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ABSTRACT

These courses, two of 16 sequential courses comprising phase one of a part-time Bachelor of Arts degree program in Australian Studies, examine the establishment and development of early Australian colonial society and introduce students to the problems of reconstructing the history of the penal colony period. They are designed for independent study combined with tutorial sessions. Chapter 1 of the first course is an introduction to the course and its study objectives. Chapter 2 examines origins of transportation of convicts. The topic of Chapter 3 is punishment and control. The fourth chapter covers protest and resistance; the fifth discusses the end of transportation. Chapter 6 examines the image of the convicts among the nonconvict population and the conclusion discusses the documents used in the course. Materials for two tutorial sessions are included. Chapter 1 of the second course is also an introduction. Chapter 2 explores the founding of Australia; Chapter 3 is concerned with how historians have interpreted and depicted the convicts who settled in Australia. The fourth chapter examines debate over how characteristics of the convicts influenced nationalism and the national character. The fifth discusses female convicts. The conclusion deals with historiography. Materials for two tutorial sessions are included. Both courses also include lists of recommended readings, additional readings, bibliographies, and self-assessment questions. (IS)

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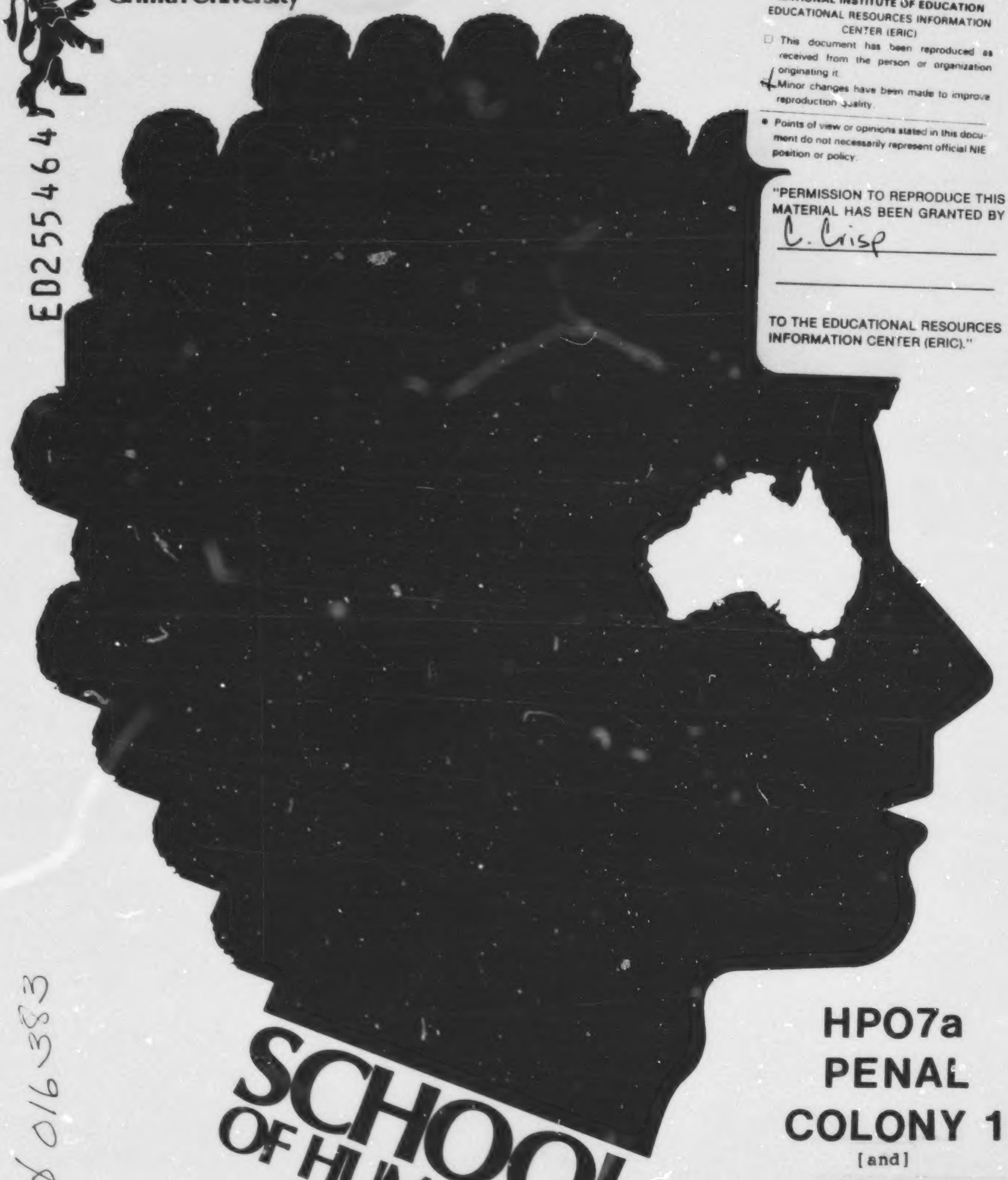

# SCHOOL OF HUMANITIES

SO 016383

2

## HP07a
## PENAL COLONY 1
[and]
## HP07b
## PENAL COLONY 2

# PART TIME BA DEGREE

GRIFFITH UNIVERSITY
SCHOOL OF HUMANITIES

PART-TIME BA DEGREE PROGRAMME

# COURSE HP07a

# PENAL COLONY 1

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## COURSE INFORMATION: HP07a

### Course readings

For this course you are expected to retain two texts from previous courses:

Manning Clark ed., *Sources of Australian History* (Melbourne: Oxford University Press, 1957, paperback edition, 1977), from Course HP02a, *The Bush Mythology*

Erving Goffman, *Asylums* (Ringwood: Penguin, 1968), from Course HP03a, *Community and Identity*

The set text for this course, Lloyd Evans and Paul Nicholls, *Convicts and Colonial Society 1788-1853* is, unfortunately, currently out of print. The sections you are required to read have been reproduced, with the kind permission of the copyright owners, in a booklet which is packaged with the course readings.

The other necessary readings accompany this study guide in the course package.

Each reading is numbered (see list on page 3). Most of the readings consist of selections of documents and excerpts from books and articles. These readings are related to one another in ways which are explained in the study guide. Instructions on when to read particular items, and the purposes of your reading, should be closely followed, so that the general direction of the course, and the relations between its parts, are as clear as possible. Full details on the sources of the excerpts are provided for anyone who wants to undertake further reading on a particular point. Many of the course materials are available in the Griffith University Library. However, you do not need to read anything beyond those included in the course package in order to handle the assessment successfully. If you wish to explore further some of the themes in this course, a few additional readings are listed purely for your own interest at the end of this study guide. In addition, some of the themes of this course will be examined in greater detail in the next course, HP07b, *Penal Colony 2*.

### Tutorial activities

As you already know from previous courses, the tutorials are intended to provide the opportunity for you:

1. To discuss the most effective ways to work through the course materials, and thus help you in what is probably a new form of study
2. To sort out any difficulties you may find in particular readings

3. To grasp the connections between readings more clearly

4. To gain practice in the skills the course seeks to develop.

There are two tutorial activities for Course HP07a. Attendance at tutorials is not compulsory. If you can't come to a tutorial, or if you feel confident that you have mastered the main points in that section of the study guide and readings, then you can still check your progress by consulting the answers to the SAQs at the end of the study guide. In addition, you will benefit by giving some consideration to the tutorial readings and topics for discussion.

## Assessment

The assessment item for Course HP07a is enclosed in the course package. It consists of two parts, each of which must be completed satisfactorily. The first part consists of two short document analyses which require you to describe each document and place it in a context familiar to you from having completed the course readings and study guide. The second item consists of a longer essay (1500 words) and requires you to assemble an argument based on your own selection from documents you have read during your work on this course.

You will find that it is necessary to work your way carefully through the study guide and readings, tackling the SAQs as you go, before you are in a position to complete the assessment item properly. The SAQs, and the tutorial activities provide good practice for successfully completing the assessment item at the end of the course.

## LIST OF READINGS

Readings are numbered in order of use, and aggregated according to the section of the study guide in which they first appear.

(Note: This list does not include readings from the set text books.)

### Section 2 (pink cover)

Reading 1. George Rudé, 'Who were the convicts? Who were the protesters?'

Reading 2. Russel Ward and John Robertson, 'Incorrigible rogues'

### Section 3 (cream cover)

Reading 3. Kenneth Inglis, 'Convicts' (excerpt)

Reading 4. Manning Clark, 'Convicts in government service'

Reading 5. Manning Clark, 'The assignment system' (excerpts)

Reading 6. Manning Clark, 'Punishment' (excerpts) and Russel Ward and John Robertson, 'Punishment' (excerpts)

Reading 7. Russel Ward and John Robertson, 'Women convicts'

Reading 8. Manning Clark, 'Conditions on a female convict vessel. 1819c.'

Reading 9. Kay Daniels and Mary Murnane, 'Convict institutions' (excerpts)

Reading 10. Alexander Harris, 'Arrest of free immigrants' (excerpt)

Reading 11. Russel Ward and John Robertson, 'Legal tyranny'

Reading 12. Michael Ignatieff, 'Cords of love' (excerpt)

### Section 4 (yellow cover)

Reading 13. Russel Ward and John Robertson, 'The Female Factory' (excerpt)

Reading 14. Alexander Harris, 'The Rocks'

Reading 15. Manning Clark, 'Convict experiences' (excerpts)

Reading 16. Alan Atkinson, 'Four patterns of convict protest' (excerpts)

Reading 17. Kay Daniels and Mary Murnane, 'The Female Factory'

Section 6 (blue cover)

Reading 18. Henry Reynolds, 'That hated stain'

Assessment item (red cover)

Reading 19. Manning Clark, 'Experiences of female convicts 1800-1810'

Reading 20. Manning Clark, 'Opinion of some employers of labour, 1848'

## PRELIMINARY EXERCISE

This course deals with the early convict history of Australia and examines a range of attitudes towards the convicts.

Below are a number of statements for you to consider before you start on the readings and the study guide. This exercise is only to get you to think about some of the issues that will be raised in the study guide. There are no right or wrong answers. You may wish to reconsider your answers when you come to the end of the course. Tick the appropriate columns below:

| | True | False | Not Sure |
|---|---|---|---|
| 1. The convicts were the dregs of British society. | | | |
| 2. Convicts were victims of the Industrial Revolution. | | | |
| 3. The convicts were hardened criminals. | | | |
| 4. History is only the study of great men, ideas and events. | | | |

On the basis of your answers you might like to reflect upon what your own feelings might be if you suddenly discovered that you - or a close friend - had convict ancestors. Write down your thoughts on this issue.

# 1 INTRODUCTION TO THE COURSE AND ITS STUDY OBJECTIVES

It is widely known that Australia was founded as a penal colony in 1788 and that from these beginnings developed the nation in which we now live. You will be familiar from your work in Course HP01a, *Defining Australia*, and from reading White's *Inventing Australia*, chapter two, that the convict origins of Australia had an impact on the production and propagation of particular images used to describe Australia. Nonetheless, it is one problem to examine the propagation of various images about the penal colony and another to investigate the historical experience of the colonists. It is this latter problem which is the focus of this course.

This course sets out to examine, in more specific detail than has been attempted in previous courses, the nature of one particular time and place - the penal colony in Australia from the 1780s to the 1850s. In this sense the course is an early taste of the type of in-depth case study course that will become more familiar to you in Phase 3 of the programme.

It will quickly become apparent, however, that the problems raised in earlier courses about images of Australia, their meaning and substance, cannot be solved by reference to the reality of a set of 'historical facts' which demonstrate the purely mythical nature of these images. We first need to examine the problems and methods of writing history, in order to understand why the relation between 'history' and 'image' is more complex than the above contrast suggests.

Historians attempt to write about the past using evidence left by the people who lived in the past. Such evidence can consist of the material relics of the past - the archaeological record - but more usually it consists of the written records of the past. These writings include such things as government reports, commercial documents, literary works, newspapers, periodicals, books, letters, speeches and diaries. More recently, historians have used interviews, or oral history, to supplement their knowledge of the recent past. All these types of documents are commonly referred to as primary sources, to distinguish them from secondary sources, which are the commentaries of persons, usually other historians, who did not experience the period they wrote about.

From primary sources it is relatively easy to establish certain simple propositions, such as, Arthur Phillip landed at Farm Cove on 26 January 1788. Thereafter, however, the attempt to describe the past is confronted by difficult problems. From a range of documents historians have to select which sources are the most relevant and accurate in establishing a picture of the past. Yet, what criteria can be used to inform this selection? After all, most sources contain particular points of view and are framed by the context in which they are written. You will be familiar with such problems in the sphere of literature from your work in Course HP02a, *The Bush Mythology*.

The historian has to interpret the sources, make decisions about their meaning and significance, assess their accuracy and validity, compare and contrast sources, and place each document in the context of its production. You will be familiar with the problems of using different sources from Course HP02a, *Urban Australia*, p.42. The decisions made by historians can lead to conflicting interpretations. For instance, the historian of the Roman Empire who focusses on the political, literary, artistic and military documents could easily come to the conclusion that the Empire was an advanced civilisation, with a complex political apparatus and a glorious flowering of artistic achievement. Another historian who perhaps focusses on the experience of slaves in the same period could just as easily depict the Empire as a period of tyrannical exploitation of labour. Although this is a dramatic comparison, it illustrates problems that confront every historian and underlies an important issue in the next course, which deals with how historians have interpreted documents about convict Australia.

The interpretative decisions that historians make are influenced by the theories, concepts, questions and opinions that they bring to bear on the sources at their disposal. These are in turn conditioned by the context in which the historian writes, with the result that historians can develop varying interpretations of the past on the basis of different methods and concepts. As the Italian philosopher, Benedetto Croce, declared, 'Every age writes its own history,' or, in other words, history is constantly being rewritten.

Again, these are problems you will confront more fully in the next course but you also need to keep them in mind when reading the documents in this course. In order to understand further the problems concerned with reading primary sources you should now read the introduction to the set text.

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Read Lloyd Evans and Paul Nicholls, *Convicts and Colonial Society*, Excerpt 1, pp.1-3.

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Our purpose in this course is to examine a range of evidence in order to construct a picture of the history of the penal colonies in Australia. In this process you will read selections from a variety of primary sources and will be asked to critically examine their meaning, the context of their production and their relation to other sources of evidence.

Just as we today are concerned with debates about the nature of our society, so were people in the past. Part of this course will be concerned with showing why people in the penal colony had differing views about that colony. You will be asked to consider some of the concepts you have learned in previous courses in the light of this new material.

To do this we will begin with an examination of the history of crime, punishment and transportation in eighteenth-century Britain and the reasons for the establishment of a penal colony in Australia. In subsequent sections we will focus on the nature of punishment and control in the colony, the reactions of the convicts to their situation and the reasons for the abandonment of transportation to Australia. In conclusion we will reflect on the impact of the convict experience for the later history of the colony, and for the development of images of Australia and national identity.

The objectives of this course are as follows:

1. To acquaint you with a body of historical material concerned with a particular time and place - the penal colonies from the 1780s to the 1850s. Central themes of the course will be crime, punishment, transportation, social control and convict protests.

2. To introduce you to the problems of reading and interpreting historical sources.

# 2 ORIGINS OF TRANSPORTATION

## 2.1 Crime and transportation

The use of transportation as a punishment was derived from the power of kings to exile political opponents. Its more recent connotation, as a punishment for law-breakers, developed in Britain during the sixteenth century, and was used principally for the expulsion of vagrants and others deemed a threat to the society. The systematic use of transportation as a sentence in criminal trials began in the 1670s, and thereafter, till the mid-nineteenth century, was an important element in the system of punishment meted out to persons convicted in the courts.

It was not, however, the only type of sentence passed in the courts. Other punishments included hanging, whipping, branding, the pillory, fines and imprisonment. By the 1790s, of all persons convicted at the Old Bailey, 44 per cent were sentenced to transportation, 16 per cent to death, 12 per cent to whipping, branding or fines and 28 per cent to imprisonment. Current practices, by comparison, rely chiefly on fines and imprisonment.

Nonetheless, to appreciate the significance of these forms of punishment and the part played by transportation we need to examine more closely the nature of crime and punishment in eighteenth-century Britain.

In this regard, our understanding of crime should be placed in the context of the profound social upheavals of the period. You have already examined the economic developments leading to the Industrial Revolution in Course HP05a, *Work in History*, but here we will be concerned with some of its social consequences.

The social effects of the transition from feudalism to capitalism, while spread over many centuries, accelerated dramatically in the eighteenth century. At the heart of the upheaval was a change in the use and significance of land. Land was becoming a commodity which, through more intensive exploitation, could be a source of profit. The feudal system of strip-farming, where each family possessed a plot of land, inhibited the commercialisation of agriculture for profit. Since the fifteenth century, lords and larger tenant farmers had begun to encroach on the land rights of the smaller farmers. Through eviction, buying-up and consolidation, peasant landowners were dispossessed and their rights to the use of common village land were denied. In the eighteenth century this process was facilitated by the Enclosure Acts which allowed landowners to absorb the village commons into their estates. One result of these developments was the destruction of peasant society and the creation of a new class of landless labourers and their families.

Old feudal bonds of mutual obligation between lord and peasant were being eroded and replaced by the realities of the market place. Labourers were increasingly prey to the vagaries of the commercial agricultural economy and the labour market. For some this could mean seasonal unemployment, and for others endemic poverty. Attempts to ameliorate the conditions of such people through parish Poor Law relief entailed the stigma of the workhouse, and the anxiety of inadequate provisions for the recipients. The local authorities who provided relief were often reluctant to make this too generous (for fear of encouraging pauperism), and were unwilling to assist the able-bodied poor (who might have been capable of working if there had been any work to find).

The fracturing of old social relations provided a context for crimes of both poverty and resistance. Theft and poaching became important means for ensuring the survival of some families. But not all such acts were motivated purely by economic need - some were expressions of protest. For example, the killing of deer on the lord's estate, the breaking of tools and the burning of barns gave voice to the resentment of labourers at their exploitation by landowners. The protracted changes in rural social relations from the fourteenth and fifteenth centuries onwards meant that there were strong continuities in the nature of rural crime in particular. Poaching, thieving, highway robbery and similar crimes have a long history in Britain.

A third recourse of labourers and their families was to move to the cities and ports in search of work. For many there was either no work or, at best, the poorly paid alternatives of casual or piece work with no provision for illness or injury. In the cities theft, larceny, receiving, smuggling, gambling or hawking (among men), and prostitution and theft (among women) became central aspects of urban, unskilled, working-class life. An urban culture developed round the pubs and gambling houses situated in the slums and back streets of the cities, particularly in the eighteenth and nineteenth centuries. For children born into such circumstances, it was the natural order of things to be initiated early into the forms of collective and individual existence that revolved around the commission of crimes.

This then brings us to a consideration of the category of behaviour, 'crime'. On the basis of historical and comparative studies it is possible to argue that crime is not a fixed set of behaviours; that its definition is flexible, in order to facilitate the control of particular social practices, and is subject to social and historical change. For example, abortion was not a crime in British law until 1803, nor incest a crime in New South Wales until 1924. Likewise, what is forbidden in one culture may be permissible in another.

Clearly then we need to ask a number of questions concerning the category 'crime'. Such questions might include: Who determines what is a crime? Whose interests does it serve to have certain social practices outlawed? How is the law enforced? Who is punished most often under particular laws?

We need also to question the assumption that there is a general moral consensus embodied in the law. For instance, while the law in eighteenth-century England deemed that poaching and theft were crimes, the protests of labourers indicates that they considered the Enclosure Acts the crime. However, it is also clear that the working class, both urban and rural, used the courts for their own purposes in the eighteenth and nineteenth centuries. Many crimes, such as violence, assault, rape and some forms of theft, were intra-class; that is they took place between people of the same social group. In such cases, the courts provided a recourse, albeit often an inadequate one, for the victims of such crimes. In many instances, the law was seen as a necessary protection for one's life and property. Thus, many labourers were reluctant to challenge the legal system as a whole, even if they considered some laws, like the Enclosure Acts, as oppressive.

In the eighteenth century, landowners who controlled the English Parliament manifested their concern about the potential for social unrest in their changes to the criminal law. What occurred was a massive reclassification of crimes as capital offences. In 1688 there were 50 capital offences, but by 1819 there were approximately 237 such offences on the statute books. These included anything from murder to shoplifting. Likewise, many crimes previously punished by fines, whipping or the pillory were reclassified as punishable by transportation, while other activities such as taking fruit from trees or fish from ponds were made criminal offences for the first time. It is little wonder that the criminal law of the time became popularly known as the 'Bloody Code'.

The law became even more complex than the above account suggests. Many of the new laws did not replace old laws and penalities but coexisted with them. This meant that magistrates often had a choice as to whether to employ the lesser sentence or opt for the more severe punishment. In addition, magistrates often chose to turn away cases on the basis of insufficient evidence. Some judges were content to deliver a stern moral lecture to the offender and then bring the mercy of the court to bear. Juries also played a part. Some were wary of convicting a person because of the severity of the sentence that the judge could impose. On other occasions, however, judges and juries implemented the full severity of the law. The enactment of laws could be different from their enforcement. The decisions of judges and juries were often arbitrary and contrary to the strict letter of the law.

The arbitrary nature of criminal jurisdiction takes us to the heart of eighteenth-century notions of punishment.

The basis of judicial practice was not that every offender should receive an appropriate punishment to fit the crime but that particular offenders should be made an example of, as a means of deterring others. It was these views on deterrence which were the foundation for the harshness of eighteenth-century punishment. Hangings, brandings, whippings and the pillory were large public spectacles where every effort was made to inflict pain on the offender's body in the hope of deterring others who witnessed the spectacle from committing similar crimes.

The ritual of punishment, then, required only a few special examples to impress upon the audience the notion of deterrence. Consequently, there were few mechanisms for the efficient policing of crime. It was sufficient to arrest a few offenders rather than attempt to ensure the capture of all offenders. The result was a proliferation of criminal activities with few officers to police them. For instance, one historian has estimated that in London in 1801 there were 641,000 people, of whom 50,000 were prostitutes, 5000 public houses and 3000 houses for the receipt of stolen goods. These figures were probably exaggerated but even allowing for some inflation, the 189 paid officers, 1000 unpaid constables (obvious targets for bribes) and 2000 watchmen (feeble and indigent poor from the workhouses) employed to police the city were an inadequate force for the control of crime in London. One result of this situation was that there were a large number of private police forces. These would have been selective in operation - protecting particular rural and urban areas, while other areas were minimally policed.

The character of law enforcement in this period raises important questions concerning crime. Although some areas were well policed, others were less so. However, regardless of the level of enforcement, for any type of crime there is a 'dark figure'; that is, a number of offences that are never discovered, reported or solved. In other words, those apprehended were only a fraction of those committing offences. In 1805, there were 4605 persons committed for trial in England and Wales, less than a thousand of whom were eventually transported. It is arguable that this was only a fraction of the number of people who committed offences.

In the late eighteenth century and early nineteenth century, the capacity of the authorities to police crime was small. In effect, those transported were a small part of a larger class of persons who survived and earned their livelihood through the criminal underlife. This group, in the historical context of the period, was a numerous class.

## 2.2 Transportation to Australia

In 1776, the American colonies declared themselves to be independent of Britain. One consequence was that these colonies, previously the place where most offenders had been transported, refused to accept British convicts in the future. This created a problem for the British system of criminal justice - what was to be done with offenders sentenced to transportation?

A number of possible solutions were debated. First, a few notable reformers and politicians advocated the building of prisons or penitentiaries for the incarceration of offenders. At the time, this represented a radical reappraisal of the function of prisons as a form of punishment. For most of the eighteenth century, prisons had primarily been used as places for the confinement of debtors or those awaiting trial. The sentencing of persons to a term of imprisonment was not seen as a primary means of either punishing or reforming prisoners.

Most eighteenth-century prisons were either small parish 'lock-ups' or larger 'open-door' institutions where visitors were able to come and go on the payment of an admission fee. In the 1770s and 1780s, however, a number of reformers, such as John Howard and Jeremy Bentham, argued that the creation of institutions with proper cellular confinement could be more effective in the deterrence of crime and the reformation of the prisoner.

A second suggested solution was to find another country where convicts could be sent. Advocates of this policy stressed the need for a place with a suitable environment, adequate land for cultivation and free from attack and invasion by native forces or foreign powers.

While these issues were being debated the more immediate problem of what to do with convicted offenders was solved by placing them in old ships, called 'hulks', moored in the Thames. Here convicts were meant to be housed temporarily until a decision had been made concerning new policies for their punishment. No quick decisions were made. Neither new gaols nor other new colonies were utilised and the hulks, by default became the means of punishment for a large number of offenders.

The continued use of the hulks as places of confinement created a number of problems for the authorities. The accumulation of convicted persons meant that the hulks quickly became overcrowded. Supplies were limited, discipline strained and disease increased. Mortality rates rose and on occasions diseased prisoners brought before the courts infected judges, juries and onlookers, with fatal consequences. By the 1780s a number of politicians and reformers were clearly worried about the state of the hulks.

Numerous documents exist which testify to the existence of the problems that were experienced. Reading these documents gives a sense of the motives behind the support for transportation, which seemed to make it a more attractive alternative for the punishment of offenders. We will examine, here, an excerpt from a report of the 1784 House of Commons Committee on Transportation. Although the language is archaic, the general points should be clear (fear not, other documents in the course are not this difficult to read).

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Read the document 'The problem of over-crowded gaols and proposals for a convict colony 1784-86' in Manning Clark, *Sources of Australian History*, pp.63-69. Then complete the following SAQ.

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SAQ 1

Why did the Committee see the hulks as a problem? Give at least two reasons.

This document indicates some of the fears that administrators felt about the hulk system. You should also have noted some of the reasons why members of the Committee favoured transportation over other forms of punishment. Two reasons were: the fear of the spread of criminality to recently convicted persons; and the belief that hard work in the colonies helped to reform the individual.

These reasons point to some of the prevailing eighteenth-century notions of the causes of crime. The document suggests that Committee members believed crime to be the product of an adverse environment. A major fear of the Committee was that, if the convicts were crowded together, this would create an adverse environment.

Historians have used documents such as this one to prove that the crisis in the system of punishment in Britain was responsible for the beginning of transportation to Australia. This may have been so, but a number of other historians have argued that it was not a sufficient answer to the question, Why New South Wales? They argue that other, more important, considerations influenced the decision to send convicts to Australia. Three of these factors are said to have been: to establish trade with China and other Eastern territories; to acquire timber and flax from Norfolk Island; and, lastly, to establish a strategic base in the Pacific to stop foreign powers such as France gaining a foothold in the area. You will study this debate more fully in the next course, HP07b, *Penal Colony 2*, which deals with the historiography of the penal colony.

Regardless of the initial reasons for settlement, once established as a penal colony, New South Wales and later other Australian colonies began to regularly receive British convicts. (South Australia was the only colony which never received convicts.) Transportation to New South Wales ceased in 1840, Van Diemen's Land (Tasmania) in 1853, and Western Australia in 1868.

In that time, 137,000 males and 25,000 females were sent to the Australian colonies. Only 12,000 of these convicts had arrived by 1810. The numbers transported increased dramatically after this period as the emphasis in British criminal jurisdiction shifted from deterrence to the apprehension of all offenders.

## 2.3 Who were the convicts?

The nature and character of the convicts that first inhabited Australia has been a central concern of many writers on Australian culture and history. You will recall from earlier courses, notably Course HP01a, *Defining Australia*, the importance of the convict origins of Australia in the production of particular images of national identity.

The term 'convict' has traditionally been used to imply that such persons were of a particular disreputable type, but it is a category into which a variety of persons have been classified. The term takes no account of the variety of offences, the economic or social situation of the offenders or the motivations for particular crimes. As a category, it often obscures as much as it reveals - it may not seem very useful to us to term the murderer and the shoplifter as the same sort of person but this was the common practice. The term 'crime' covers a wider range of social practices.

Some historians, dissatisfied with the single category - convict - have attempted to investigate the social history of the transportees more closely. While there have been a number of debates on this issue, which you will investigate more fully in the next course, HP07b, *Penal Colony 2*, recent statistical research has led to a more accurate specification of such characteristics as age, sex, religion, offence and place of arrest. George Rudé presents a short summary of this research.

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Read George Rudé, 'Who were the convicts? Who were the protesters?', reading 1.

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From your reading of Rudé you will be able to answer the following SAQ.

SAQ 2

1. Where were the majority of convicts tried?
2. What was their average age?
3. Were the majority married or single?
4. What was the major religious grouping?
5. How many had previous convictions?
6. For what crimes were the majority of the convicts convicted?

Nonetheless, all statistics require interpretation and it is clear that Rudé, like other historians, has made some judgement as to their meaning. He distinguishes two groups of convicts - the protesters and the genuine convicts. Rudé declares the protesters to be those people who were political prisoners, involved in organised protests against the government, landlords or local authorities, or those who attempted to organise unions. According to Rudé, these were a small but distinct minority of those transported, numbering less than 4000 in the entire period.

The vast majority of transportees according to Rudé, and those historians like L. Robson and A.G.L. Shaw, whose work he relies upon, were urban 'ne'er-do-wells' - 'hardened and dangerous criminals most of whom came from the cities and towns', while the women were even more 'morally depraved' than the men.

On the face of it, the statistical evidence used by these historians to support their interpretations is thin. Central to their argument is that most convicts had been convicted of theft and between one-half and two-thirds of them had been convicted more than once. Hence, they were part of the 'professional criminal class'.

Yet, in the context of eighteenth-century and early nineteenth-century Britain, the term 'professional criminal' needs to be used with great caution. All it might signify is that a person had been unlucky enough to get caught twice for shoplifting a few small items, offences which a hundred years later may have resulted in a fine. They may have been persons in desperate circumstances, with few resources, acting on their own, rather than part of an organised criminal network.

It is important, however, not to shift from one extreme to the other and romanticise the convicts. Many undoubtedly made their living by being part of the underworld of criminalised thieving, receiving and prostitution networks in the cities. Again, however, in a context of social disruption and chronic urban and rural poverty, many men had few alternatives other than crime for survival and women had even fewer opportunities other than prostitution and shoplifting to support themselves. They were part of a particular subculture where this had become the normal means of earning a living. This subculture could be argued to be one response, and a rational one, to the circumstances of the time. Yet, some historians have termed such behaviour the actions of the 'morally depraved'.

It is not only statistics upon which historians have based their interpretations. Much of the strength of their case comes from the opinions of contemporary commentators on the convicts. It is to these primary documents that we will now turn.

At this stage it might be useful to examine one document in detail before embarking on a wider reading of sources from different areas. This will help point to the considerations involved in reading primary sources.

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Read Russel Ward and John Robertson, 'Incorrigible rogues', reading 2.

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Our first task is to clarify the essential elements in the excerpt from the writings of Peter Cunningham. He is describing his experiences as a surgeon on convict ships bound for Australia in the 1820s. In the course of his first voyage, he attempts to instruct the convicts in the principles of religion and is greatly surprised, and pleased, when a large number of them eagerly take up regular bible reading.

The rest of the excerpt describes his disillusionment with the sincerity of the convicts. He quickly discovers that if he avoids seeing the prayer groups, and thus takes away their expectation that he might reward their efforts, the groups disintegrate and their lack of desire to reform is revealed. In Cunningham's opinion this incident demonstrates that the convicts, despite anything they might profess, are 'incorrigible rogues' - irreligious, out for their own good, pious only if they think they can benefit, ready to pick pockets at the slightest moment - in fact, 'deep knaves' who justly deserve their punishment.

It seems likely, on the basis of many similar stories from other administrators, that such incidents did occur, but the crucial question is the meaning one attaches to them. Cunningham brings to the incident a particular set of values which underlie his reaction.

For instance, he believes that adherence to religious doctrines is the essential determinant of a decent human being. What is fundamentally wrong with the convicts is that they lack piety and knowledge of morality. He hopes that bible reading will achieve some reform in the convicts but when this fails he concludes that it is impossible to reform convicts, particularly in crowded conditions.

Our next task is to place Cunningham in his historical context and examine how his image of the convicts reflects more widely held views of the convicts. We can see that as Cunningham was a Royal Navy surgeon, he had some education and probably believed himself to be an upstanding member of the British middle class and a firm believer in the Christian faith. Such a social position influenced his view of the convicts, who we have seen are predominantly working-class persons.

What Cunningham is doing is demanding that one social group - the convicts - conform to the mores and values of another - the British middle class. The failure of the convicts to respond to his attempts to make them conform convinces him that they are really 'deep knaves' no matter what they profess.

This excerpt is an instance of cultural conflict where representatives of one cultural code believe that their own view of the world is the correct one, and that other cultural groups are debased. It would be easy for our own assumptions about the 'criminal class' to influence our reading of the excerpt but our purpose here is to avoid moralising and to demonstrate the cultural context of one social class confronting another social class. In the eyes of middle-class viewers, the convicts were representatives of a more general class of 'rogues' and 'villains' which included vagabonds, paupers, lunatics, gamblers, hawkers and the habitues of the working-class pubs and areas of prostitution. It was not until the mid-nineteenth century, with the establishment of the penitentiary system, that a particular group came to be classified as criminals, and a new science - criminology - was developed to investigate the specific characteristics of the 'criminal class'.

There are other questions to be asked concerning the context in which Cunningham was writing. For example, why does such a person wish to publish the memoirs of his voyage to New South Wales. While there was a tradition of visitors and administrators publishing accounts of their experiences in the colonies, not everyone saw fit to do so. In other words, one motivation for Cunningham to write was the belief that he had something important to say.

Authors publish in particular contexts and within particular traditions. In Cunningham's case he is writing in the 1820s in the midst of a renewed debate concerning the value of transportation in comparison with the penitentiary system. Advocates of the latter succeeded in passing the 1826 Gaols Act which, although not enforced, made provision for the detention of persons in prison as their sole punishment.

This was only one aspect of a debate, important from the 1770s to the 1840s, over the aims and objectives of the criminal justice system. Philanthropists, social reformers, politicians, administrators and other representatives of middle-class opinion debated the priorities that were to inform the practices of punishment. A number of questions and issues were central to these debates. Some of these were:

1. Should punishments primarily aim to deter others or to reform the individual offender?

2. Were convicts capable of reform?

3. Should the system of using convicts as a labour force continue?

4. Was transportation too light a sentence and not a sufficient deterrent?

5. Was imprisonment a more effective means of reform?

In this context, the relevance of some of Cunningham's views are apparent. He argues that convicts cannot be reformed in crowded conditions. It is the association of convicts that is the root of the problem. On this basis, he considers the hulks as places where reform is impossible and it seems likely that he considers prisons would have similar problems. The only hope lies in 'time and separation', which may be possible in the colonies, but even then he is not hopeful of success. Clearly he is arguing against those reformers who think that, by changing the environment of the convict (and most considered the new penitentiary to be the best means of achieving this aim), the convict would be reformed. Cunningham is a protagonist in a wider debate and this is reflected in his writings about the convicts on board his ship.

There was, however, no single middle-class or administrative view; rather, there were debates surrounding the issues of transportation, imprisonment and punishment. It is in this context that many of the documents you will read can be placed. Nevertheless, the debates of this period were built upon the view that the convicts were 'rogues' who either needed punishing or reforming. You will recall from Courses HP01b, *Traditions*, and HP03a, *Community and Identity*, the importance of rituals, expressing shared values, for the maintenance of the norms and values of a community. In this regard the classification of convicts as 'rogues' served to justify a range of punishments inflicted on offenders in the name of deterrence and/or reform.

Having examined one document in detail it will now be possible for you to read other documents concerning attitudes to convicts, with a deeper awareness of the context in which they were written.

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Read Evans and Nicholls, 'Who were the convicts?', Excerpt 2, pp.4-20.

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From this selection of documents you will see that there was a diversity of opinion with respect to the convicts. Now complete the following SAQ concerning particular documents in this selection.

SAQ 3

1. Describe the two types of working men defined by Mayhew in document 28.

2. Did William Crawford (document 22) believe there was hope for the reform of the criminal classes? Why?

You will have noted that these documents deal with a number of issues - crime and transportation, protesters, differences between urban and rural crime, Irish and Scottish convicts and the criminality of the convicts. What the documents present is evidence of a range of attitudes concerning the convicts. Many of these attitudes concern the supposed character of the convicts; some emerge from experiences with convicts, whereas others are influenced by particular preconceptions about the convicts. Further evidence of these attitudes will be apparent from the following reading.

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Read Evans and Nicholls, 'Impressions of the criminality of convicts transported', Excerpt 3, pp.21-27. Then complete the following SAQ.

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SAQ 4

1. List some of the characteristics ascribed to the convicts from those documents which describe them in an unfavourable light.

2. What social groups do the writers of these documents come from?

In this section we have looked at the reasons for the establishment of the penal colonies in Australia, the characteristics of those transported and the prevailing opinions about the character of the convicts. The majority of commentators considered the convicts to be 'depraved rogues' and this perception was the foundation for the system of work and punishment provided for convicts in Australia. It is the conditions in the colony that will be the focus of the next section of the study guide.

# 3 PUNISHMENT AND CONTROL

## 3.1 The penal colony system

The arrival of the first convicts in New South Wales in 1788 created a number of immediate problems for administrators. Housing, food and other essentials were in demand and the convicts were the necessary labour force. It was in the interests of the survival of the colony that the labour of the convicts was utilised to the greatest extent possible. The confinement of convicts as a means of punishment was not only alien to eighteenth-century British penal theory but also contrary to the interests of the colonial administrators. Useful and productive labour was economically necessary but it was also thought by many to be a primary means of reforming convicts.

Many historians have argued that early convict society was in many respects, an 'open prison'. Officials ruled through the gun and the lash, the lives and labour of the convicts were supervised by the military, and the alien environment served to restrict the attempts by convicts to escape, obviating the need for walls and compounds to contain them. While some did attempt escape, a few returned with tales of the inhospitable bush, and others were found dead. The colony itself was an effective form of confinement.

In other respects, however, the nature of early convict society differed markedly from what we would now consider to be a prison environment. For instance, convicts assigned to work for the government were usually free to pursue their own leisure in Sydney after their enforced labour each day was over. Other convicts assigned to work for private landowners were similarly not subject to the supervision of government officials, and masters had to petition the courts before they could punish their convict servants.

The result was a unique society, initially based on a primary division between convicts and their controllers but increasingly structured by systems of assigned and wage labour and exhibiting the forms and institutions of civil rather than penal society. Nonetheless, the central dynamics of early convict social life were the forms of work, punishment and their enforcement that were imposed on convicts by the government. It is these processes that we will examine in this section of the study guide.

Before proceeding to these issues it will be useful to give a general overview of the historical development of the penal colony. This will help to specify the context in which a number of documents you will read were produced.

The growth in the number of transported convicts in the late eighteenth and early nineteenth centuries placed a strain on colonial resources. Not only did the colony in

Sydney expand but other convict colonies were also established. These included Van Diemen's Land, or Tasmania, from 1803 to 1853, Port Macquarie in New South Wales from 1821 to 1829, Moreton Bay from 1825 to 1835, Norfolk Island from 1789 to 1803 and then again from 1825 to 1853, Port Phillip (Victoria) during the 1840s and Western Australia from 1850 to 1868. By the 1820s there were a string of penal colonies, particularly along the eastern coast of Australia.

These colonies were part of an interdependent system. While they facilitated the growth in convict numbers in areas which needed a ready labour force, they were also utilised within a system of punishment where certain colonies were designed for the 'worst offenders', separating them from those convicts who were thought to be capable of reform. Convenience, necessity and prevailing penal theory all influenced the development of the penal colony system. Our concern here is not with the history of any one colony but with this interdependent system. It is for this reason that when we talk about 'the penal colony' we are describing a system, rather than a single site, for the transportation of offenders.

As the penal colony grew, its social structure became more complex. The simple division between convict and administrator was eroded by new developments. First, there emerged a group of free settlers in the colony. These were either soldiers who left the New South Wales Corps to take up land or immigrants hopeful of social advancement. Some, such as John Macarthur, became large landowners and powerful political forces in the colony. Others became small landowners, shopkeepers, merchants or merely wage labourers. In addition, groups of professionals - lawyers, teachers, clerks and doctors - were attracted to the colony to service the expanding colonial society. By the 1828 census, only half the population were convicts, and one-quarter were free settlers, soldiers and officials. The remaining quarter were those convicts who had been pardoned or whose terms had expired and had been emancipated. Some of these ex-convicts, such as Francis Greenway, became important members of colonial society; others, like Mary Reiby, became prosperous in business; some became landowners; but the majority were labourers.

The existence of such distinct social groupings in the colony was the basis for social conflict. Some free settlers, the exclusionists, were opposed to ex-convicts, the emancipists, and sought to prevent them achieving power within the colony. Likewise, conflict arose over the use of cheap convict labour at the expense of wage labourers. Wage labourers feared competition from convict labour while some colonists feared the social consequences of too many convicts in the population. It is within the context of the emerging colonial society and its conflicts that the documents in this course need to be placed.

For a general overview of some of these historical developments, we will consult a summary by Ken Inglis.

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Read Kenneth Inglis, 'Convicts' (excerpt), reading 3. Then complete the following SAQ.

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SAQ 5

Name at least three major social groups that Inglis identifies in early colonial society.

We examine a number of these developments in greater detail in later sections of the study guide. Our first task now is to look more closely at the systems of work, discipline and punishment in the penal colony.

## 3.2 Work and discipline

Work and discipline were related issues in the administration of the convict system. On one hand, forcing the convicts to work was essential for the provision of the necessities of life - food, clothing, shelter. It was only this measure of self-sufficiency that made transportation an economically viable form of punishment for the British government. On the other hand, work and its supervision provided a means for regulating the lives of the convicts, ensuring order and minimising the opportunities for individual or collective revolt.

In the penal colony, work was itself a punishment, a consequence of being convicted and transported. But it was also the beginning of a series of classifications and further systems of treatment. According to how the convicts worked, whether they were disciplined or not, a range of consequences followed. For those who refused to work, or committed other transgressions and were classified as intractable convicts, a series of other punishments were implemented - flogging, road gangs, hanging and others. For those who showed application to their tasks, had special skills or showed signs of reform, there were possible rewards - pardons and tickets-of-leave.

In this section of the guide we are going to examine these issues of work, punishment and reward as the essential foundations of the system of disciplining the convict population. Nonetheless, it is important to remember the historical context in which these schemes were developed. Throughout the history of the colony from the 1780s to the

1850s debates raged over the function of transportation. Should it primarily be a system of deterrence based on harsh punishments or should it be a means for the reform of the individual offender? Contemporaries who described the convicts and debated the merits of various programmes of work and punishment were caught in this context and took sides on the debate about the causes and cures of crime. We should keep this context in mind as we read different documents in our effort to reconstruct a picture of convict life.

### 3.2.1 Work

Upon arriving in the colony, convicts were subject to the demands of government service. This usually meant that they had to work in gangs on public projects such as building roads, government buildings and houses, minding stores or working on government farms. Work on the gangs was generally during the hours from 6 a.m. to 3 p.m., after which they were free to pursue leisure or augment their rations by doing extra labour. In return, convicts were housed in barracks and provided with food and clothing.

The employment of convicts in gangs was a significant drain on government finances. Pressures to economise forced administrators to seek alternatives to government service. Once these had been found the gangs became a form of punishment for serious offenders and those who had committed further offences after arrival in the colony. The majority of such convicts were employed on road gangs, usually for 12 hours a day and supervised by convict overseers. They often worked in manacles to prevent escape or rebellion.

The following documents will describe in greater detail some of the workings of government service, in which the gang system was the major activity.

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Read Manning Clark, 'Convicts in government service', reading 4. Then complete the following SAQ.

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SAQ 6

According to J.T. Bigge, what were the main problems with the gang system?

The alternative form of labour was that of private contract work, known as 'assignment'. Under this system, convicts were assigned to individual landowners. In return for their labour, free-settler or emancipist masters were required to feed and clothe the convicts in their service or pay for the provision of government rations. The labour contract was between the government and the private landowner.

This system shifted the burden of the expense of convicts from the government to landowners, and administrators sought to encourage the assignment of convicts even if landowners had an excess of labourers. It was a viable system for settlers because it was a guaranteed source of cheap labour - the cost of an assigned convict often being as little as half that of a free labourer employed for wages. There were further reasons, other than economic ones, for some administrators favouring assignment over government service. The following documents will give you some insight into the working of the gang and assignment systems but will also provide evidence of prevailing attitudes concerning their usefulness as a means of deterrence and reform.

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Read Manning Clark, 'The assignment system' (excerpts), reading 5. Then complete the following SAQ.

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### SAQ 7

What were the reasons for some administrators favouring assignment over the gang system?

Assignment was an essential component in the growth of the colony from the 1790s to the 1840s. The emigration of free settlers (many of whom became small landowners, and some large landowners), provided the means for the exploitation of convict labour on a substantial scale. It was a means by which large landowners in particular could benefit financially. The experience of the convicts under this system could vary enormously, dependeing on the whims of their masters. Some were undoubtedly fairly treated, entrusted with positions of considerable responsibility and rewarded with extra rations. Others were forced to work long hours, on difficult tasks, for the minimum government rations. Masters, overseers and officials had considerable powers to ensure that convicts, regardless of their treatment, performed their allotted tasks.

### 3.2.2 Punishment

Masters, overseers and administrators had a variety of formal means for the punishment of convicts, but the implementation of these usually involved taking the convict to court - a time-consuming process. It seems highly probable that for minor infringements a system of casual, private punishments was inflicted on disobedient convicts. These could entail harder forms of work, fewer rations or minor forms of corporal punishment, none of which would have come to the official notice of authorities and, hence, few records would have survived of their existence.

Although convicts could appeal to a magistrates court and petition the court concerning their ill-treatment, the existence of this legal safeguard should not obscure the context in which such processes were enacted. Magistrates were often selected from among local landowners or, even if not, belonged to a class of administrators who commonly perceived all convicts as 'rogues' and 'villains'. This is a view you have already come across in a number of documents. The uncorroborated complaints of convicts were unlikely to carry much weight with courts against the evidence of 'respectable' citizens in the colony.

There were real disincentives against convicts acting through the courts. Not only were the courts structured so that convicts' evidence didn't carry much weight; but masters were able to use the courts to inflict punishments on refractory convicts. One recourse for masters was to report convicts to administrators as unsatisfactory. If court proceedings determined that this was so then the convict could be sent back to government service and the road gangs.

The courts could authorise other forms of punishment. The most general and frequent form of punishment was flogging. Minor misdemeanours could warrant 25 lashes, and more serious offences anything from 200 to 500 lashes. Flogging was an everyday occurrence. One historian has estimated that, between 1830 and 1837, two million lashes were administered on the convict population. For individual convicts this could mean an average of 500 lashes a year. Many of the charges were petty ones such as insolence or tool-breaking.

The courts also had the power to impose capital sentences on convicts. As in the British criminal code, the number of capital offences was high and hanging was a frequent occurrence as a deterrent to other convicts. As in England, these were public occasions that could also lead to dramatic reprieves. The following selection of documents will give you some insight into the experiences of the convicts and the process of corporal punishment.

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Read Manning Clark, 'Punishment' (excerpts), and Russel Ward and John Robertson, 'Punishment' (excerpts), reading 6.

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From these excerpts you will have recognised that these forms of corporal punishment were extensions of the prevailing system of punishments in Britain. Their focus was the body of the individual, rather than the reform of their mind, and their aim the infliction of sufficient pain to deter others. There were, however, other forms of punishment developed in the convict system. The other major punishment was the transfer of refractory convicts to other penal colonies. This was termed 'secondary punishment' and served as a means of isolating those considered to be the worst offenders.

There were a number of colonies of secondary punishment utilised in the history of the colony system. These included Port Macquarie and Moreton Bay on the eastern mainland, Norfolk Island, and Macquarie Harbour and Port Arthur in Van Diemen's Land. In these colonies, convicts were subjected to more severe forms of hard gang labour, unfavourable conditions, close barrack confinement, stricter supervision and the more liberal use of corporal punishment. It was a form of transportation within the penal colony system.

Again, this form of internal transportation was designed to serve purposes other than merely disciplining convicts through the imposition of punishment. Its existence was a weapon to be wielded against the convicts in the main colonies. It was a threat to induce them to behave, to ensure discipline, and a vision of 'hell within hell' to deter others both in Australia and Britain. It served to placate critics in Britain who were arguing that conditions in Australia were such that the threat of transportation was no longer effective in Britain to deter crime.

### 3.2.3 Rewards

As well as deterrents to crime there were also encouragements to reform. Apart from informal practices, such as better rations from certain masters, there were two official means of reward for good behaviour - pardon and ticket-of-leave.

The governor of the colony was empowered to grant pardons to convicts of his choice. Generally this privilege was reserved for convicts from higher social classes, those with special skills or who had performed valuable work, and had not committed subsequent offences. Under the ticket-of-leave system those convicts who were considered sufficiently reformed to warrant some liberalisation of treatment were given a ticket-of-leave, which allowed them to work as a wage labourer rather than as an assigned servant or on a government gang. They could contract their labour for wages and live off their earnings, but were still formally defined as convicts. These systems served a variety of purposes for colonial administrators. They provided incentives for the reform of convicts and reduced government expenditure.

These systems of work, punishment and reward were the foundation of discipline and economic growth in the penal colony system. They embodied the prevailing notions of crime, deterrence and reform. But the system as outlined here did not remain static. Throughout the years of transportation, its success was scrutinised by British and Australian authorities. Old schemes were criticised and new policies implemented to offset perceived problems in the system. Similarly, notions of crime and reform that were being debated in Britain in the early nineteenth century exerted an influence on the development of new policies in the penal colony. In the next section of the study guide we will examine some of the important inquiries into the operation of the transportation system and the new policies that resulted from them.

## 3.3 Inquiries and policies

Debates about crime, policing and punishment were continuous throughout the history of the penal colony, both in Britain and in the colony itself. In fact, such debates continue to this very day. What was specific to the debates in the late eighteenth and early nineteenth centuries was the range of competing policies. In hindsight, the period can be seen as one of transition from one paradigm (system or pattern) of punishment to another, but for the participants in the debates it was a protracted struggle between different priorities.

One group favoured the continuation of the focus of punishment on the body, with the aim being deterrence. Proponents of this view advocated ways of making deterrence more effective and ensuring the adequate severity of punishment. The other position was represented by the increasingly powerful group of middle-class social reformers, evangelicals and utilitarians associated with people such as John Howard, William Wilberforce, Elizabeth Fry, Jeremy Bentham and James Mill. As mentioned earlier, they supported the introduction of a new penitentiary system. They argued that criminality was a product of a bad environment and that by changing the environment one could reform the individual. In this view the isolation of individuals into cells, the prohibition of contact with other inmates, and the inculcation of moral and religious ideas, could lead to reform of the offender.

In the period we are studying, all these measures were debated by politicians, visitors to the colonies and administrators. Many attempted to marry the perspectives of both positions. In this climate of opinion, knowledge of the workings and effects of transportation was a crucial element in the debates. Apart from regular administrative correspondence, and the stream of published memoirs, there were also a number of official government inquiries into the operation of transportation and the penal colony system. Three of the most important of these were the 1812 Select Committee on Transportation, the Report of J.T. Bigge in 1822, and the 1837-38 Select Committee on Transportation, otherwise known as the Molesworth Committee after its chairman, Sir William Molesworth. Some of the documents you have already read in this course are taken from the reports of these inquiries.

While these reports contain useful information on the workings of transportation, punishments, the operation of the administration and the experiences of the inhabitants of the colonies, they also interpret the evidence, draw conclusions about past practices and recommend future directions. In other words, government documents, like any other record of the past, are not neutral but take positions within wider social and political debates in specific historical contexts. Our next task will be to examine these three inquiries of 1812, 1822 and 1837-38 and see what positions they took in these debates and the consequences of these inquiries for the implementation of new policies.

### 3.3.1 1812 Select Committee

This committee was instituted by the British government in 1810 after a period of political upheaval in the colony. Mounting conflicts between members of the military, prominent landowners, like John Macarthur, and successive governors of New South Wales erupted in 1808 when Governor Bligh tried to imprison Macarthur on various charges. As a result Bligh was deposed by the military. The sources of the conflict lay in the attempts by some governors to control the activities of military officers who were making lucrative profits in the rum trade, and the resentment of landowners at attempts by governors to control their exploitation of convict labour.

In 1809, Lachlan Macquarie was appointed as the new governor. This was an interesting appointment in the light of Bligh's demise, as Macquarie aimed to improve discipline, encourage fair treatment and reform of convicts. He hoped to ensure the integration of emancipated convicts into civil society and supported a reform programme on the grounds that once convicts had served their term they were free and should be encouraged to become useful members of the community. This placed him in conflict with those with vested interests, who argued that 'once a convict always a convict'. Nonetheless, the British government sought to facilitate his endeavours by disbanding the New South Wales

Corps in 1810. At the same time, the hearings of the 1812 Select Committee of the House of Commons began as an effort to guide future policy. You should keep this context in mind when you read the following excerpt from the report of the Committee.

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Read 'The early history of New South Wales 1788-1812', in Clark, pp.108-122.

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In reading this long and detailed document you will need to differentiate between what is mainly information and what represents the opinions or views of the Committee. Once you have done this you will be able to answer the following SAQ concerning the 1812 report.

SAQ 8

1. Which course of action does the Committee recommend - a return to a period of severity or an endorsement of Macquarie's emphasis on reform?
2. What reasons does it give for favouring this course of action?

One consequence of the 1812 report was that Macquarie was allowed to continue his schemes for reform. He embarked on an extensive programme of public building, liberalised the pardon system, attempted to introduce the trial by jury system, and attempted to encourage the integration of emancipists into colonial society, some of whom, like Dr Redfern, achieved high official positions. However, Macquarie returned to England in 1821 amid controversy about his administration. The occasion of this controversy was the investigation by J.T. Bigge.

### 3.3.2 Bigge Report 1822

In 1817, the frequency with which reports were reaching England about the actions of Macquarie prompted Bathurst, the Home Secretary, to consult the government about the need for an inquiry into the administration of the colony. Macquarie's support for the emancipists, his supposed leniency, expensive building programmes and tolerance of Catholics alienated many important interests in the colony, particularly the Protestant exclusivists and those who favoured stricter discipline for convicts, like John Macarthur and the Reverend Samuel Marsden. Criticism of Macquarie's policies was fuelled by controversies such as

Macquarie's conflict with Judge-Advocate Ellis Bent over his support for the admission of emancipists to the bar. Such criticism played upon British government fears that the effect of transportation as a deterrent to crime would be eroded. In 1819, J.T. Bigge was appointed to inquire into the administration of the convicts, and came to Australia to investigate conditions in the colony.

At the same time that Bigge was appointed Commissioner, a new Select Committee into Goals was appointed in Britain. This provided a forum for advocates of the penitentiary system to press their case. There were explicit debates over the issue of transportation versus penitentiaries and these debates were sharpened by rumours surrounding the problems in the penal colony. In this context the onus was on the supporters of transportation to prove that it was an effective form of punishment.

The Bigge Report is one of the most important sources of information about life in the penal colony. But the report also draws conclusions, presents opinion and interpretation based on the Commissioner's own beliefs about the purpose of transportation. You should keep this context in mind as you read the following excerpt from the report.

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Read Evans and Nicholls, 'Bigge criticises Macquarie', Excerpt 4, p.28. Then complete the following SAQ.

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SAQ 9

1. What was Bigge's assessment of Macquarie's policies - success or failure?
2. Which of the social groups described by Inglis in reading 3 do you think Bigge most favoured in his conclusions?

The Bigge Report had an important effect on colonial policies after the return of Macquarie to England in 1821. First, subsequent governors had greater restrictions placed on their powers through the establishment of a Legislative Council in 1823 to advise governors. It was designed to be a check on the arbitrariness of the governor's powers.

Second, one of Bigge's main conclusions was that the association of convicts in Sydney was the basis for the expansion of urban crime and he considered it the reason for the lack of reform among many convicts. He recommended the closure of all the convict barracks in the city and the dispersal of convicts to rural districts through the extension of the assignment system.

A further programme he favoured was the implementation of further measures to ensure that transportation was a more effective deterrent to crime in Britain. The impact of such proposals in the subsequent decade can be seen in the shift towards a policy of greater severity in the punishment of convicts. Under governors such as Thomas Brisbane (1821-25) and Ralph Darling (1825-31) in New South Wales and Lieutenant-Governor George Arthur in Van Diemen's Land, there was an increased emphasis on strict supervision and punishment of convicts. These administrators likewise implemented Bigge's proposal for the dispersal of convicts. The other outgrowth of this policy was the system of secondary punishments. In the 1820s Port Macquarie, Moreton Bay, Norfolk Island and Port Arthur were established as colonies of secondary punishment. Through these means, supporters of transportation in Australia and Britain sought to counter the claims of critics that it was not a sufficient deterrent. This was the basis of colonial policy when the Molesworth Committee was instituted in 1837.

### 3.3.3 Molesworth Inquiry 1837-38

The Molesworth Inquiry, like the 1812 Select Committee, was held in Britain but submissions were drawn from interested parties in both Britain and the colonies. Two problems prompted the government to institute a new inquiry into transportation. One was the mounting cost of the transportation system. The other was that the assignment system was being increasingly criticised as inefficient and exploitative. These criticisms became central weapons in the hands of those who continued to oppose transportation. Evidence was drawn from all sources of opinion on this issue, and there was conflict between Sir William Molesworth and other commissioners on whether the emphasis of policy should be placed on reform, deterrence or economy. The following reading will give you an impression of some of the important issues raised before the Commission.

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Read Evans and Nicholls, 'The Molesworth Committee', Excerpt 5, pp.29-36. Then complete the following SAQ.

*****************************************************

SAQ 10

1. What criticisms of the transportation and assignment system were made in the Committee Report?
2. What alternatives did they propose to the existing arrangements?
3. What were Molesworth's criticisms of the Committee's recommendations?

In the wake of the Molesworth Inquiry, a number of important developments in colonial policy occurred. First, transportation to mainland eastern Australia was halted in 1840, the reasons for which we will examine later in the study guide. This prompted the important House of Commons debate on the future of transportation in 1841. Although, in the face of much opposition, the House voted to continue the system, this was done on the proviso that some important reforms be implemented. The most significant of these was the abandonment of assignment as the system of convict labour. During the 1840s a number of different labour schemes were introduced. In addition, attempts were made to introduce new experiments in policy ostensibly aimed more towards the reform of the convict rather than the deterrence of crime. We will now go on to study some of these policies.

### 3.3.4 Policy experiments

#### The Maconochie system

One of the most important new schemes was the introduction of the Maconochie system on Norfolk Island in the 1840s. This system was named after Captain Alexander Maconochie, a naval officer and private secretary in 1837 to the lieutenant-governor of Van Diemen's Land, Sir John Franklin. While there, he began a study of the system of transportation. Before his arrival in the colony he had been in close collaboration with prison-reform societies in England and he was strongly influenced by theories on the ability of convicts to reform. In 1837 he sent a long report on the operation of the transportation system to the Home Secretary and it eventually came to the attention of the Molesworth Committee. Sir William Molesworth, in particular, sought to use Maconochie's report to support his own views on the need to reform the system.

Maconochie was acclaimed as an expert and his programme for the reform of convicts was widely discussed in the late 1830s. The central element of his scheme was a mark system. Convicts could earn marks through the performance of work, while refusal to work or bad behaviour could mean a loss of marks. Once a convict had accumulated a sufficient number of marks he was entitled to a remission of sentence. The system was based on the belief that individuals could be reformed if given incentives to pursue honest labour and learn the value of social responsibility. In the climate of criticism surrounding transportation, Maconochie's theories received a favourable hearing.

In 1840 Maconochie was granted the opportunity to test his theories on Norfolk Island, where he was appointed administrator. Maconochie, however, was immediately confronted by a number of problems. First, he considered Norfolk Island an unsatisfactory site for a colony, due mainly to the restricted amount of land available for cultivation. Second, the government did not change its policy of using the colony as a place of secondary punishment, leaving Maconochie with the responsibility of reforming those convicts deemed the most intractable. Third, the government withheld from Maconochie the right to grant release to those convicts who had earned sufficient marks, thus robbing the scheme of its main incentive. These constraints made parts of the scheme unworkable. The next reading will give you further information about the operation of the Maconochie system.

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Read Evans and Nicholls, 'Maconochie at Norfolk Island', Excerpt 6, pp.37-40. Then complete the following SAQ.

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SAQ 11

According to Machonochie, what was wrong with the previous system of labour in the colonies?

The constraints placed by the British government on Maconochie reveal many of the conflicts and tensions surrounding official policy towards the convicts. Some sections of administrative and political opinion argued that reforms were necessary. Other officials and politicians, however, were opposed to any scheme that seemed to undermine the deterrent function of transportation. They considered colonies of secondary punishment essential to the success of the system and important as a means of ensuring convict discipline. Maconochie's experiment threatened to undermine this policy. The result was an uneasy compromise in which Maconochie could make certain innovations in the treatment of convicts but which took away the incentives for convicts to submit to this system. This eroded much of the effectiveness of the programme. In many important respects, government policy remained wedded to the notions of severity and deterrence despite these flirtations with reform. The result was that Maconochie was dismissed as a failure in 1844.

## Exiles

Nevertheless, other schemes for reform were proposed in the 1840s. One important proposal was the exile system introduced in 1842. It was an attempt to marry the old scheme of transportation and the emerging system of imprisonment with the aim of making transportation an effective weapon of reform. The exile policy entailed the initial placement of the offender in a penitentiary. Once he had served a part of his sentence in prison a decision was made as to whether he was sufficiently reformed to benefit from transportation. Under this policy, transportation was designed to be a programme for those convicts thought capable of reform, not for those whom the British government wished to get rid of.

The first group of exiles were juveniles sent out to the colony in 1842, and the first adults began to arrive in 1844. Despite the good intentions of the British government, official opinion in the Australian colonies was opposed to the scheme. By the 1840s there was a strong anti-transportation movement among influential sections of colonial society. These groups feared that the exile system was a thinly-disguised means to reintroduce convicts to the mainland after transportation had officially ceased in 1840. Colonial officials refused to accept the landing of the exiles, both juveniles and adults. Although some were landed in Port Phillip, the majority had to be sent to Van Diemen's Land.

The British government was anxious to expand the system of transportation in the 1840s. The exile system, however, points to some of the new reformist intentions of policy-makers. Throughout the 1830s and 1840s, middle-class reformers became increasingly concerned with what they termed the 'dangerous classes'. They believed this to be a large class of persons engaged in crime, delinquency, rebellion, social protest and Chartism, who were prone to poverty, insanity and disease. The exile system, with its initial emphasis on juveniles, was part of a wider reformist strategy to eradicate the 'dangerous classes'.

## Probation

The problem of how to integrate convicts into the labour market in the 1840s after the abandonment of assignment became a major policy problem for administrators. The initial solution was the implementation of the probation system in 1842. It was aimed at eradicating the worst abuses of assignment by taking control of convict labour out of the hands of private landowners. Probation was, in part, a return to the notion of government service. Each convict served a portion of his sentence working in government gangs and, according to his behaviour, could eventually earn a probation pass which allowed him to work for wages in the general labour market. But the result for the convicts was a return to the horrors of the road gang. Hard labour and strict supervision was no longer a lottery depending on the whims of a private master, but a guarantee under government service.

The implementation of these new programmes was prompted by changing attitudes to established policies. Some of the opinions which informed these changes will be apparent in the next reading.

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Read Evans and Nicholls, 'The search for policy 1842-46', Excerpt 7, pp.41-47.

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On the basis of this reading and your earlier readings on Maconochie and the Molesworth Inquiry you should attempt some general speculations on the following questions, taking into account both debates in Britain and conditions in the colony.

SAQ 12

1. Why was probation seen as a better alternative to assignment?
2. What problems did the colonial administrators of these policies face?

The penitentiary

There is one other important new policy that we should discuss further. This was the beginning of the penitentiary system in the penal colony. Although prisons, barracks and factories used for the control of convicts had existed early in the history of the colony, these were usually established on the dormitory principle where inmates were crowded together for long periods in large rooms. According to its critics this perpetuated the 'evils of association', thus increasing the 'moral corruption' of the convicts. These institutions served as places of accommodation or temporary confinement rather than as instruments in a programme of reform.

Advocates of the penitentiary argued that the building of institutions as the primary means of punishment and reform should be based on the principle of separate cellular confinement. This would break association between inmates and be the foundation for the creation of a reformative environment. While the reality of the prisons may have fallen far short of the ideals envisaged by reformers, the ideology of reform was a powerful weapon in the campaign against transportation.

The movement towards penitentiary reform which was gaining momentum in England in the 1820s and 1830s was also apparent in the penal colony. During the 1830s, dark cells began to be built at a number of existing convict institutions. The use of solitary confinement in these cells became an accepted form of punishment in this period. More significantly, work was begun in 1847 on the construction of a penitentiary at Port Arthur, based on the Pentonville model advocated in Britain. Here was an instance of the process of historical change where the seeds of the new system of punishment sprang up in the midst of the old.

## 3.4 Female convicts

The number of women transported to the Australian colonies was considerably smaller than the number of men. Of the 162,000 convicts only 25,000 were women or almost six men for each woman. As a group, women convicts faced a number of distinct problems. Contemporary administrators certainly thought that the female convicts were different from their male counterparts, and their range of work and punishment options were also different from that of men. Here we will examine some of these attitudes to female convicts and their experiences within the penal colony system.

In our earlier discussion of attitudes towards convicts in section 2.3 of the study guide, 'Who were the convicts?', it was noticeable that many commentators considered the female convicts worse than the men. The next reading is a further example of some of these attitudes.

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Read Russel Ward and John Robertson, 'Women convicts', reading 7. Then complete the following SAQ.

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SAQ 13

What was the primary complaint of men like Cunningham about the female convicts?

Our task now is to investigate some of the reasons for this low evaluation of the female convicts. Since these opinions were manifest even before the arrival of the women in the colony, the first thing to examine is the prevailing attitudes towards women in Britain in the late eighteenth and early nineteenth centuries.

One possible reason is that class differences were a significant factor in prejudicing the opinions of commentators. Middle-class men condemned the behaviour, mores and values of the working-class convicts. These cultural conflicts were undoubtedly a potent factor in explaining the vehemence of the condemnation of convicts. But this does not explain why female convicts were differentiated from their male counterparts for particular criticism. Other reasons have to be sought.

One alternative is that provided by Keith Thomas in an article, 'The double standard', written in 1959. In this article he examined a range of historical and literary sources from the nineteenth century. On the basis of his investigation, he argued that the 'double standard' was a characteristic feature of English culture in the period. The term served to describe the situation where behaviour that was thought natural to the male sex was considered unnatural when exhibited by women. Hence, whereas drinking and swearing was thought to be typical of working-class men with low character, in women it was seen as a sign of utmost depravity. The clearest example was in the area of sexual behaviour. While it was considered natural for men to have intercourse frequently and with a range of partners because of the supposed animal nature of male sexuality, the idea of women having intercourse outside of marriage was universally condemned. Thus, the availability of prostitution for men but not for women was seen as a necessary part of the social order. There was one standard of conduct for men and another for women.

This seems to be a fruitful avenue of explanation. What we would now call sexist stereotypes of women shaped eighteenth-century and nineteenth-century middle-class opinion concerning the female convicts. This is not to dispute the claim that some female convicts were prostitutes; the point at issue is that it was the women, not their male clients, who were condemned as 'more morally depraved'.

It is true that a number of convict women engaged in prostitution or lived in de facto relationships with particular men. But rather than simply making value judgements about such behaviour, we should attempt to place this behaviour in the wider historical context of the options available to working-class women in late eighteenth-century and early nineteenth-century Britain.

In the context of the social upheavals of the agricultural and industrial revolutions in Britain, many people faced acute problems of survival. In Course HP05a, *Work in History*, you examined some of the dramatic changes in patterns of occupations occasioned by the shift from the family as the unit of production to the system of wage labour. In times of economic downturn those who could not find work had few means of support other than the Poor Law. Women in particular faced difficult problems of survival. Women had a narrower range of job opportunities than men. As the population moved to the cities, domestic service or out-work (the putting-out system), both extremely poorly paid, were two of the narrow range of employments for women. The wives of, or those who lived with, unemployed men had to struggle with little money to support families. The horrors of the inner-city slums throughout the nineteenth century, graphically described in the novels of Charles Dickens, contributed to the romantic image of country life which you examined in Course HP02a, *The Bush Mythology*.

In this situation it was not surprising that many women turned to prostitution. For some women it could become the only means to gain a livelihood, while for others it could be a casual resort to supplement wages, or an inadequate family income. Estimates of the number of prostitutes in London in the early nineteenth century, when the city's population was less than one million, vary from 10,000 to 80,000 women. These wild variations indicate that contemporaries did not know the extent of prostitution. Many estimates were plucked out of the air to shock middle-class audiences. Nevertheless, recent studies have shown that prostitution was extensive in many British towns and was often a form of casual work for women to supplement their inadequate incomes. Prostitution, casual or permanent, was a vital element in the political economy of working-class domestic life of the period.

Even those women who sought to avoid prostitution by means of employment did not necessarily evade sexual exploitation. Domestic servants were the single largest occupational category of women but they were particularly vulnerable to sexual harassment from men in the household - masters, their sons and friends or other male servants. The result was that domestic servants were commonly prey to pregnancy and frequently resorted to infanticide and abortion as a solution to their dilemma. Pregnant servants were an embarrassment which often led to their dismissal. In such circumstances prostitution was one of the few options left for these women. Yet it was their efforts to survive which brought them before the law and earned them the condemnation of middle-class authorities. It is not surprising that the bulk of women sentenced to transportation were defined as domestic servants, charged with stealing and condemned as prostitutes.

Once sentenced to transportation women continued to face an unenviable situation. They were prey to the sexual abuse of soldiers and sailors on board the vessels carrying them to the colonies. They were frequently subject to punishments which reflected more the sadistic fantasies of their captors than the morality of the women. One witness to a government inquiry provided a harrowing account of their plight.

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Read Manning Clark, 'Conditions on a female convict vessel. 1819c.', reading 8. Then complete the following SAQ.

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SAQ 14

Who does this writer blame for the state of female convicts?

A response of some women, as noted by Cunningham in reading 7, was to associate with one particular crew member. This provided some insurance against abuse and rape at the hands of other crew members. On the other hand, such practices were seen as further evidence of the 'morally depraved' character of the women.

Arrival in the colony was no guarantee that the abuse and exploitation of the female convicts would stop. In many respects it escalated. The arrival of female convicts in a colony largely populated by men led to mass rape, violence and officially condoned prostitution. As one settler wrote:

> It will perhaps scarcely be believed that on the arrival of a female convict ship, the custom has been to suffer the inhabitants of the colony each to select one at his pleasure ... which is without even the plea of previous attachment as an excuse, rendering the colony little better than an extensive brothel.... (Summers, 1975, p.269)

Numerous contemporary accounts testify to the frequency of such practices.

Upon arrival in the colony female convicts were housed in barracks. In the early years of the colony the barracks were moved to Parramatta and became known as the Female Factory. There the women were housed until they could be assigned, or kept there after repeated offences and employed in domestic services such as cooking, cleaning and sewing. In the 1820s 'female factories' were established in Van Diemen's Land. Here the women waited to be assigned as domestic servants to landowners in the colony. The following excerpts will give you further detail on the establishment and operation of these institutions.

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Read Kay Daniels and Mary Murnane, 'Convict institutions' (excerpts), reading 9. Then complete the following SAQ.

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SAQ 15

What were the problems of the Factory pointed to by administrators? Name at least four from the above excerpts.

The existence of the 'female factories' did not eradicate the possibility of exploitation for female convicts. The majority of them were still assigned as servants and their fate was contingent upon the whims of their masters. While some were lucky, others undoubtedly faced the problem of sexual harassment. Their position could be undermined by the threat of a return to the 'Factory'. Still, as the last document in reading 9 suggests, some women preferred this option.

For female convicts granted ticket-of-leave, pardon or probation the choices were still few. Domestic service was the main employment option for all working-class women in the colony whether convict, emancipist or free. All were vulnerable to forms of sexual and economic exploitation.

In this context women made choices as to the best alternatives available to them. Some sought to align themselves with one male protector either through legitimate or de facto marriage. This could provide some tenuous insurance against the vagaries of the labour market or prostitution. In other instances, the burdens of a family and an unemployed breadwinner precipitated the search for employment or the recourse to prostitution. Some convict women chose to liaise more freely with men of their own class, which earned them the title of prostitute from respectable society regardless of whether money was involved or not. Other convict women such as Mary Reiby were able to marry above their class and advance themselves economically and socially in the colony. The majority, however, remained tied to men of the working class and were thus vulnerable to the difficulties of their single and married counterparts in Britain outlined earlier.

At this point it is possible to reflect again on the concept of the 'double standard' in understanding the writings of contemporaries about female convicts. Those convicts who contracted relationships outside of marriage, regardless of their nature or circumstances, were generally condemned as prostitutes and as being morally depraved. In the eyes of middle-class commentators this reinforced their belief that female convicts were worse than the men.

### 3.5 Enforcement

In the course so far we have looked at the array of punishments, work routines and other policies for the control of the convicts. The means by which convicts were classified and, according to their classification, subjected to different forms of treatment, suggests that the penal colony was a rigidly controlled, authoritarian society. The evidence indicates that the mechanisms for maintaining convict discipline were brutal and harsh. In Courses HP01b, *Traditions*, and HP03a, *Community and Identity*, you examined some of the ways social groups have defined boundaries and created rituals and norms of group identification. In the penal colony the lines of demarcation were rigidly defined along lines of convict/ex-convict/free settler. Rules, laws and punishments served to define these groups. In this section of the study guide we will go on to look at the agents who enforced these rules and the practices they engaged in.

### 3.5.1 Enforcement agents

The earliest enforcers of authority were the military. A special unit, the New South Wales Corps, was established in 1792, and sent out to replace the maritime forces which had sailed with the First Fleet. They were charged with the maintenance of law and order and the protection of the colony from outside forces. In 1810 the Corps was disbanded and regular British military units were sent out in their place. Throughout the history of the penal colony the military forces remained the final guard against convict rebellion.

There was another important device used to control the convicts on a daily basis. This was the system of using overseers on the government work gangs and on the farms of private landowners. The majority of these men were convicts. This provided a cheap means of supervising the labour of the other convicts. It could also be a very effective means of discipline. The convict overseers were given special privileges - better rations and lighter workloads - to encourage them to act responsibly. In turn, their work was supervised by soldiers, administrators or masters and if found not to be adequately performing their task they faced the threat of being returned to the ranks of the ordinary convicts. It was in the overseer's interests to enforce the rules and regulations on other convicts as rigidly as possible to safeguard his own privileges. The overseer (or trustee) system is still used in many penal systems throughout the world.

The police were the other major enforcement agency. In

1789, Governor Phillip established the first 'night patrols' in the colony. Constables were employed to patrol the streets to ensure order in the towns. They were a necessary supplement to the military forces which were too small to maintain a daily vigilance over the colony's population. As the colony grew the police gained in importance as the main agent for the control of the population. The constables were initially under the direct control of the Governor and were more often used to guard government stores than to police the populace, but in 1810 Macquarie established the first formal police force, under the administration of a civilian superintendent, for the control of Sydney and the surrounding rural districts. During the 1820s and 1830s new forces were created - the mounted police, border police and native police forces. These various forces were charged with the responsibility of maintaining law and order in areas of the colony other than Sydney.

As the colony expanded in both area and population the task of policing became more complex. On the one hand, the job was poorly paid and the difficulty of finding recruits meant long hours for those employed. The result was that the bulk of the forces were convicts and emancipists, and while this meant some measure of effectiveness, as with the overseer system, it also left many avenues for corruption. On the other hand, there were general administrative problems. The influx of free settlers, the growth in the number of emancipists and the extension of pardon, ticket-of-leave and, later, probation posed a challenge to the maintenance of order in the colony. How could authorities adequately differentiate between different classes of citizen in order to apprehend criminal offenders, bushrangers, escaped convicts and absconders from assignment?

Governor Macquarie sought to solve this problem by the introduction of a pass system. Convicts, regardless of their status, were required to carry papers testifying to their position. Even assigned convicts running errands for masters were required to carry a pass authorising them to travel on the colony's roads. Police could demand anyone to present their papers. This could have unfortunate consequences, as the next reading, an excerpt from the writings of Alexander Harris, will indicate. Harris was an emigrant skilled labourer (from Course HP05a, *Work in History,* section 2.5, you will recall that workers were generally called mechanics) who travelled and worked in the colony during the 1820s and 1830s.

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Read Alexander Harris, 'Arrest of free immigrants' (excerpt), reading 10. Then complete the following SAQ.

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SAQ 16

Harris was opposed to some actions of the authorities. Why?

In many respects the system of authority and enforcement resembled that in a modern police state. Attempts were made to place citizens under some form of surveillance to ensure law and order. Such measures were thought by many administrators to be justified on the grounds that the bulk of the population were irredeemable 'rogues'.

The exercise of arbitrary authority, however, did not go unchecked. The creation of a judicial apparatus was an early priority of administrators. Initially these were mainly military courts of appeal but, with the beginnings of policing in the colony, some magistrate's courts were established. In 1814 a Civil Court of Appeal was created and in 1823 a Supreme Court which took over the powers of the military court. Thus judicial power was taken out of the hands of military officers and placed in the hands of the legal profession.

These judicial authorities had considerable power over other enforcement agents. Police, military authorities or private landowners could not inflict punishments on convicts without first going to the magistrate's courts. In 1830 magistrates were granted further powers to revoke the assignment of convicts to landowners who mistreated their servants or otherwise did not fulfil the conditions of the assignment contract. Similarly, police in rural districts were under the control of local magistrates. Through the establishment of the courts the British Government sought to implement traditional principles of justice, seen as strict but fair. The courts were considered a vital check on other powers in the political system such that no single power could exercise its authority in an arbitrary manner. These were the legal ideals, but we have to look more closely to see if they were followed in practice.

### 3.5.2 Enforcement practices

So far, we have examined the official history of enforcement. We have looked at the various institutions, agents and rules for the regulation of the colonial population. In this regard, we have noted the extensive system of police powers in the colony which far exceeded the powers of similar authorities in Britain. We have also noted that the courts were designed to be safeguards against the excessive use of such powers.

Other evidence indicates, however, that reality often did not live up to the ideal. One insight into this problem is given in the following reading, by Roger Therry, a leading Catholic reformer in the colony, writing about the 1820s and 1830s.

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Read Russel Ward and John Robertson, 'Legal tyranny', reading 11. Then complete the following SAQ.

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SAQ 17

In Therry's view, what was tyrannical about the system of law in the colony?

Here was an example of social and political factors influencing the implementation of the law. The appointment of magistrates from members of the landowning classes opened the way for the law to be used to further the aims of those classes. These were the classes most likely to benefit from the exploitation of convict labour. While convicts could legally petition the courts concerning ill-treatment from masters, in many instances their chances of success were limited. Magistrates, instead of being a safeguard against the arbitrary use of power, could in some situations actively promote it. While not all magistrates engaged in such activities, they had the power to manipulate the legal process in their own interests, or those of their colleagues and friends.

There were other chronic deficiencies in the enforcement of law in the colony. Many members of the New South Wales Corps had been actively involved in the smuggling and sale of illicit liquor in the colony. Some made handsome profits which they used to purchase large tracts of land. Attempts by governors such as Hunter, King and Bligh to stop the rum trade led to growing conflicts between the Corps and the administration and eventually resulted in the overthrow of Bligh in 1808. The powers of the governors were limited by the military control of the Court of Appeal, and here lay a point of conflict within the administration, where a military court could defend the interests of military officers against the power of the governor. It was this conflict within the administration of the colony that forced the British government to disband the Corps. It also encouraged Macquarie to transfer judicial power from military to civil authority.

Similarly, there were problems in the police force. Although they had wide-ranging powers, there was no central co-ordinating authority, rather a group of semi-autonomous forces. Long hours and low pay inhibited the efficiency of many constables and left them open to bribery and corruption. Many visitors and administrators commented on the weakness of the police forces and their propensity to laxness and drunkenness. Badly organised and with minimal training, many had little desire to enforce the law. Numerous police chiefs were dismissed for alleged indiscretions while one police chief was suspended for using police in his own private service. Corruption and laxness were manifest at all levels of the police force.

The resort to the employment of convicts as constables entailed a number of problems. On the one hand, it encouraged, as with overseers, a rigid enforcement of the law. On the other hand, convict constables not under the supervision of others were probably prone to turn a blind eye to certain acts of fellow convicts if they could get away with it. This was not a contradiction, rather the context could determine a variety of responses to the task of policing.

There were important conflicts between different levels of the administration in the penal colony. Governors often found themselves in opposition to military or judicial authorities. Macquarie, for example, faced particular opposition over his attempts to allow emancipists into the judiciary. Similarly, the desire for effective suppression of crime in the colony was at odds with the inefficiency of the police force, while the idea of the courts as a neutral check on other powers ran counter to the fact that they operated to protect the vested interests of particular classes.

This sort of evidence leads to a certain paradox. On the one hand, the enforcement agencies had sufficient ambit to impose punishments on convicts beyond the strict letter of the law. On the other, inefficiencies and corruption ensured that the full implementation of these powers was never successfully achieved. Authorities in the colony, far from working in concert for the discipline of the convicts, were often at odds with each other. Vested interests could cut across the rule of law and undermine the efficiency of the government. While some historians have characterised the extensive powers of enforcement agents in the colony as indicative of a police state, the reality of their implementation was more complex.

In this section of the study guide we have examined the structure of the colony system, the work, punishments and rewards provided for convicts. In the next section we will investigate how convicts reacted to their situation in the colony.

## TUTORIAL ONE

Bring along your study guide and readings. You should raise any questions you have about the study guide, readings or SAQs.

In addition, we will review some of the problems involved in reading primary sources. With this in mind, read Watkin Tench, 'Some observations on the convicts, 1791', in Manning Clark, *Sources of Australian History*, pp.98-100. This is a document for discussion in this tutorial only.

Examine the views of Tench and write some notes on the following questions, which will form the basis for discussing the issue of crime, transportation and attitudes to the convicts:

- What was the context in which Tench was writing?
- What were his views?
- How does it relate to other documents you have read so far?

In this tutorial we will also discuss some of the differences in the policy of transportation versus that of imprisonment. To help in this discussion, read Michael Ignatieff, 'Cords of love' (excerpt), reading 12. This document is also for discussion in this tutorial only.

Ignatieff examines the support among reformers for the penitentiary system as an alternative to transportation. This reading, when related to reading 3 and section 2.3.3 in the study guide will give you a basis for answering the following questions:

- What were the differences between imprisonment and transportation as punishments and methods for controlling crime?
- Why do you think transportation continued despite criticism both in Britain and in Australia?

Even if you do not attend the tutorial you should spend some time writing answers to these questions. Some suggestions about themes for consideration in this tutorial are given at the end of the study guide, after the answers to the SAQs.

## 4.1 Convict culture

Our primary concern so far has been the system of administration, discipline, punishment and enforcement that characterised the penal colony in Australia. In this regard our main sources of evidence have been government inquiries, official reports and the memoirs of visitors. Through these sources we have been able to build up a picture of the past based on the attitudes and actions of those in power - governors, administrators, soldiers, politicians and reformers - and of those who shared similar attitudes - visiting naval officers, doctors, free settlers and other writers of letters, diaries and reminiscences. Thus, it has been possible to reconstruct the important contemporary debates over crime and punishment which were the context for the creation of policies concerning convicts and transportation. Some historians have termed this approach 'history from above'.

The term 'from above' has been used as a point of contrast for another term - 'history from below'. The latter term describes an approach to history which is part of a broader stream of historical inquiry known as social history. Social history explores the lives and experiences of people normally absent from the general histories of politics, administration and ideas. Social historians have tended to write on subjects such as work, the family, children, sexuality, illness, crime, violence, prostitution and poverty. 'History from below', as a type of social history, focusses on the social history of the working classes, the poor and underprivileged.

While some of these issues come within the ambit of 'histories from above', social historians ask different types of questions. For example, if we take the history of physical illness and disease, then a 'history from above' will tend to be a medical history. Its concerns would be the rise of the medical profession, scientific developments in medical theories, significant medical breakthroughs and the doctors who made them. A social history, on the other hand, would investigate such problems as the incidence of disease among certain social groups, the medical self-help networks of local communities, the role of poverty and cultural traditions in the genesis of disease and the effects of medical intervention on the lives of the patients. Social historians ask different questions and explore different sources, or old sources in new ways, in an attempt to answer those questions.

Returning to the penal colony, it is clear that many of the issues we have read about bear on the life of the convicts. For instance, it is possible to imagine that flogging and other punishments were painful for the convicts who suffered them. Nonetheless, the sources have not concerned themselves with how the convicts reacted to their situation. We cannot assume that convicts were merely mute victims, subservient to the will of administrators. Rather, we know that they came from particular social groups within Britain and thus brought with them shared beliefs and myths enacted through social rituals which were moulded and changed by their experiences within the penal colony. Our task now is to investigate this convict culture and how it produced particular responses to the system of discipline and punishment.

Our attempt to interpret the responses of convicts confronts some immediate difficulties common to many types of social history. Unlike other aspects of the history of the penal colony, the convict response does not have a single discernible body of evidence from which a historian could produce a social history. Historians rely mainly on written sources, yet a number of the convicts were illiterate. Official censorship may have caused the destruction of some sources. In addition, many of those convicts who were literate would have been too poor to pay for the publication of their memoirs. For a variety of reasons, sources concerning the convict experience are scarce.

Nonetheless, there are a number of means by which we can get around this problem. There are four possible approaches that we might explore here:

1. We could examine modern sociological studies of similar problems. For example, studies of prisoners might provide fruitful insights into the situation of convicts.

2. We can re-examine the official sources with a view to uncovering material on the experiences of the convicts.

3. We can investigate the small number of written sources which do attempt to describe the life of the convicts.

4. Finally, we can look at the few surviving sources left by convicts themselves.

We will now go through these approaches in greater detail to look at what each involves.

### 4.1.1 Sociological studies

A number of modern sociological studies have investigated the social relations of institutional life - prisons, hospitals, welfare homes, military barracks, schools, religious communities and counter-culture communes, to name but a few. In Course HP03a, *Community and Identity*, you read one of the most important of these studies, Erving Goffman's *Asylums*. There are clear parallels between the situation of inmates in a mental hospital and the convicts in the penal colony. Both are examples of what Goffman calls non-consensual communities. Both were situations where physical forms of social control operated openly and both aimed to transform the identity of the individual - in mental hospitals through medical treatment and in the penal colony through discipline and punishment. Many aspects of the penal colony resembled the organisation of a total institution as defined by Goffman, and it seems possible to argue that a basis for comparison exists.

If so, then the question here is whether the reaction of the patients to the asylum environment can illuminate the situation of the convicts in the penal colony. At this point it might be useful to refresh your memory about the work of Goffman. The important part of Goffman's analysis for our purposes is his description of the underlife or culture of the patients.

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Read Erving Goffman, *Asylums*, pp.267-280. Then complete the following SAQ.

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SAQ 18

What is the meaning of Goffman's term, 'secondary adjustment'?

Goffman points to the ritual insubordination that characterises the inmate's struggle to preserve a sense of self against an institutional regime aimed at transforming that self. The consequence was a rich underlife of inmate resistance to the demands of the staff. This underlife was a subversion of the rules of the institution. Alternatively, when these actions were observed by staff they reinforced official perceptions that the individual was sick and in need of further treatment.

This interpretation suggests important insights into the condemnation of the convicts by administrators. The frequent reports of the depraved nature of the convicts may have been the official response to the existence of convict struggles for personal survival. This may indicate that there was, in fact, a complex convict culture which provided a framework in which convicts individually sought to resist the embrace of authority. In other words, official attitudes towards the convicts were the product of a clash of two cultures, of two systems of behaviour and values - official and convict.

Nonetheless, these sociological comparisons are not sufficient in themselves for an interpretation of convict experience. There were some important differences between the circumstances of the hospital inmates and those of the convicts: most notably, the mental hospital was an enclosed space, whereas the penal colony was a dispersed system of habitations increasingly peopled by non-convicts. Furthermore, the penal colony existed in a very different historical context to the modern mental hospital; these and other factors make direct comparison problematic. Although Goffman's study and others like it provide important clues, we need to search for evidence from the penal colony itself before we come to any firm conclusions about the nature of convict culture.

### 4.1.2 Official sources

The analysis of Goffman and others provides a number of clues for re-reading many of the official sources which we have already studied. We can note the significance of comments which may have previously seemed unimportant. For example, if we go back to the reading for the first tutorial (Watkin Tench 'Some observations on the convicts, 1791' in Manning Clark, *Sources of Australian History*), we can note some important statements on p.100. Here Tench refers to the use of 'flash or kiddy language'. This was a dialect peculiar to some convicts which officials found almost incomprehensible and for which they often needed an interpreter.

This indicates that certain groups of convicts did have a distinctive culture, characterised by distinct dialects and mores, a product of the urban centres of Britain, and transported to the colony. From your work in Course HP06a, *Language and Society*, you will have studied the importance of language as a means of organising culture. Similarly, alternative languages or class languages, such as those studied by Labov which exist within particular cultures, signify opposition to and difference within the dominant culture. Criminal subcultures or cultures of poverty are often the site of these oppositional or class languages.

Other evidence points to the existence of this convict culture.

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Read Russel Ward and John Robertson, 'The Female Factory' (excerpt), reading 13. Then complete the following SAQ.

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SAQ 19

What evidence can you find in this reading of the existence of a distinct convict culture?

The frequent references in the official documents to the irredeemable nature of the convicts may be seen as the products of cultural conflict. This provides us with an insight into the social context in which officials sought to understand the behaviour of the convicts, that is, from their own perspectives, values and beliefs. For them, the convicts were 'morally depraved' because they did not share middle-class values and beliefs. This provides us with a further illustration of the need to interrogate primary sources, not to take them at face value but to place them in the historical context in which they were produced.

### 4.1.3 Reports of convict life

A careful re-reading of official sources can provide important, but oblique, evidence concerning the convicts. Other sources, however, deal more explicitly with the experiences of the convicts. Often these were accounts written by respectable middle-class visitors to the colony interested in its operation and anxious to record all aspects of colonial life. Many developed a fascination with the life of other social groups such as the convicts. Still other commentators, because of their involvement in wage labour in the colony, came in close contact with the convicts and reflected on that contact in their writing.

One of the most important of these latter commentators was Alexander Harris, the emigrant mechanic (skilled worker or tradesman), whose work we have already looked at in reading 10. As a skilled worker he travelled round the colony in the 1820s and 1830s and came in contact with many emancipist and convict workers. The following excerpt from his memoirs focusses on one aspect of his travels - the urban working-class/convict culture that existed in 'The Rocks', which was the dockyard area of Sydney.

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Read Alexander Harris, 'The Rocks', reading 14. Then complete the following SAQ.

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SAQ 20

1. Harris notes various illicit trades which characterised the 'Rocks' culture. Find at least two.
2. What impression does Harris give of the men and women who frequented The Rocks?

Harris's account is full of details concerning the 'pub' culture of the urban working class. He observes the manners, speech and general lifestyle of its participants.

However, we have to be as careful of Harris's memoirs as we would of any other source. Although he was in close contact with the urban workers he was not one of them. The result is that his story is tinged with the fear of one who is not really part of that culture: as an outsider he is vulnerable to reprisals. Similarly, his story is largely written for a literate middle-class audience and is laced with pathos, particularly concerning the dying prostitute, to appeal to his readers. His account is framed by a moralism and pathos which colour his picture of the Rocks culture. Much of his account of The Rocks was used for its salacious value, to appeal to readers.

Nonetheless, Harris's account, and others like it, point to important features of the society - notably its closedness to outsiders, its focus on public houses, and the importance of stealing for men and prostitution for women for their social and economic survival. Poverty and illness were everyday elements in the lives of these people. Such a culture developed as a response to the restrictions of the wider society. It was a culture of its own, with its own rituals of identity in opposition to the values of the dominant culture.

### 4.1.4 Convict sources

Finally we have a number of documents, chiefly letters written by convicts. In addition, there was a rich oral convict culture; songs and ballads which had been handed to subsequent generations before being written down. These are particularly valuable because they are not interpretations by others of the convict experience but the representations of that experience by individual convicts. The survival of songs and ballads is particularly significant because their existence points to their popular appeal. You will remember from Course HP02a, *The Bush Mythology*, that Russel Ward placed importance on these songs as early beginnings to the sense of solidarity among the bushmen. Ward's account has been disputed but, nevertheless, the songs and other writings are important sources of the convict experience.

However, we have to place these sources under critical scrutiny as we would any other documents. As we have noted before, many of the convicts were illiterate, therefore those who did leave written records of their experience generally came from a higher social/educational background than their fellow convicts. Convicts of this class could respond to their situation in a number of ways. Some developed sympathy for their fellows, whereas others were anxious to distance themselves from the other convicts. One example of these responses is contained in the following reading.

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Read Evans and Nicholls, Excerpt 8, p.48. Then complete the following SAQ.

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SAQ 21

1. What was the reaction of Vaux to his fellow convicts?
2. What are some of the possible reasons for this reaction?

There was no single type of convict reaction manifest throughout the various convict records. Depending on their circumstances and personal experiences, convicts could react in a variety of ways to life in the penal colony. Some of this range of attitudes and reactions will be apparent in the following selection of documents.

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Read Manning Clark, 'Convict experiences' (excerpts), reading 15. Then complete the following SAQ.

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SAQ 22

These convict stories can be roughly divided into two groups with regard to their perception of the colony. Briefly describe these two groups.

Through these sources we can glimpse some of the complex processes of class identification. Whereas some convicts were eager to embrace the opportunities for advancement provided by transportation to the colony, others were crushed by the experience and longed for their home.

The result was that some convicts sought early release and either obtained land grants or entered into acceptable occupations as a means of assimilating into the wider society. Some were very successful but these tended to be convicts from higher social groups with particular skills, such as Francis Greenway, the architect, or William Redfern, the surgeon. The majority, however, were not so successful. They sought identification with their working-class counterparts as convicts and emancipists.

It is this second group of convicts who most closely parallel the inmates of Goffman's *Asylums*. They developed the closed convict culture with a particular language, customs and beliefs that were opposed to the dominant culture of the middle-class administrators, soldiers, officials and visitors. In the next section we will examine this culture more closely and see the ways in which it facilitated the expression of resistance to authority in the penal colony.

## 4.2 Convict protests

One concept, hegemony, discussed in Course HP04b, *Literary Studies*, will help explain certain characteristics of the penal colony. You will recall that hegemony refers to the complex interlocking of political, social and cultural forces by which the domination of one class in society, and the subordination of the others, is effectively maintained. However, hegemonic domination implies the possibility of other practices which oppose the hegemony. These are protests or 'counter-hegemony'.

In the penal colony the hegemony of the administrators was a product largely of force. This placed major obstacles in the way of convict resistance to authority. We usually conceive protest as a form of organised activity - street marches, lobbying governments, picketing, putting up opposing candidates in elections, strikes and the like. Protest is generally conceived as a collective and organised response to particular situations. But such a model, apt for modern democratic societies, is not appropriate to the situation of the penal colony. Thus, to argue that there was no protest or resistance to authority in the penal colony because there were no organised responses along the lines of the examples above, is to fall into the problem of ahistoricism - applying modern criteria which are irrelevant to past situations. Rather, we have to go back to the context of the time and explore the range of possibilities available and the motivations for the actions taken by people in terms that they saw as relevant.

As we have discussed earlier, the political structure of the penal colony resembled that of a military/police state.

The wide administrative powers for the punishment of the convicts ensured that many of our current forms of protest were impossible. Again, we can gain important clues from Goffman as to the possible nature of resistance in non-consensual communities. He argues that the absolute separation of the staff and patient worlds broke down the forces that might have led to collective action. Rather, resistance tended to be individual and covert.

Similar issues confronted attempts to organise convicts in the colony where the control of the military, the master, the police or the overseer served to restrict the collective response of convicts. Other factors also played a part. The assignment system was a means of political, as well as labour, control. It dispersed the convicts throughout the colony and broke possible lines of communication between them. It meant that many convicts were isolated in different parts of the colony with few other convicts to join with in any organised protest. This made their control by a small number of police, or masters and overseers, easier.

This structure of authority and power produced different forms of protest on the part of convicts. Continual complaints by officials, visitors and landowners about the laziness, insolence, rowdiness and disobedience of the convicts suggests that small, individual forms of resistance were endemic to the colony. The fact that flogging was such a frequent recourse may be a testament to the brutality of the authorities but it may also be a measure of the continual attempts by convicts to flout the rules and subvert the authority of their controllers.

In the following reading one historian, Alan Atkinson, defines what he sees as four important patterns of protest by convicts in the 1820s and 1830s. He points to the small, individual infractions of rules which showed resistance to authority but also to other protests which indicated some shared consciousness of oppression. It is a long article but it provides some important insights into protest and resistance in colonial society.

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Read Alan Atkinson, 'Four patterns of convict protest' (excerpts), reading 16. Then complete the following SAQ.

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SAQ 23

1. What are the four patterns of protest that Atkinson has defined? Give a brief description of each.
2. Atkinson argues that Goffman's study is not a sufficient explanation of the actions of the convicts. Why?

The gathering together of convicts in institutions could also provide a focus for convict unrest. Female convicts were active protesters in this regard as the following reading suggests.

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Read Kay Daniels and Mary Murnane, 'The Female Factory', reading 17. Then complete the following SAQ.

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SAQ 24

Name two types of protest undertaken by women at the factory. Keep in mind Goffman's notion of individual and collective action.

Fear of convict riots and rebellion in barracks and factories was one reason for the stress on assignment and other forms of labour which removed convicts from association with each other. Institutional subcultures with their own rules and rituals (such as no 'lagging') proved to be particularly troubling to authorities. You might watch a few episodes of the TV series *Prisoner* to see a fictionalised account of such a subculture. It is not surprising that in this context officials and administrators stressed the 'evils of association' in the penal colony.

So far our focus has been on the smaller individualised and collective forms of protest which were common to the penal colony. There were, however, some larger protests involving greater collective organisation. For example, in 1800 authorities discovered an alleged conspiracy of Irish convicts. The result was that of the conspirators, five received 1000 lashes and twelve, 500 lashes. The most famous rebellion occurred in March 1804. An Irish convict, William Johnston, gathered a group of over 300 convicts and set off from Castle Hill to Sydney in protest against the oppression of convicts by the authorities. This prompted

Governor King to declare martial law, and a platoon of soldiers was dispatched to confront the insurgents. The result was that nine convicts were shot dead and the remainder put to flight. Later, over forty were recaptured, eight hanged, nine were given floggings of up to 500 lashes and thirty-four others were transported to another colony. These rebellions prompted authorities to exert more stringent control over the convicts. It encouraged the extension of the assignment system and forced convicts to seek the alternative means of protest outlined by Atkinson.

The importance of the large rebellions, despite their short-lived nature, was that they pointed to some of the fundamental points of conflict in the penal colony. Most of the rebellions were led by Irish Catholic convicts who came from a tradition of opposition to British authorities in Ireland. Although the number of Irish political prisoners was small, a significant proportion of all convicts were Irish and they found themselves under the control largely of Protestant officials and landowners. Many of these Irish convicts came from a context of rebellion and hatred of Protestants and the English. Traditional conflicts were transported to the colony and found fertile soil for protest in the structure of the penal colony system.

These factors point to the complexities of protest and resistance in the colony. On the one hand, protests could be local and individual, arising out of personal experiences of oppression or from the confidence engendered by cultural solidarity from fellow convicts in the same situation. One set of cultural mores clashed with another. On the other hand, broader social and political conflicts characteristic of British society were also manifest and were reflected in religious and political protests. These latter conflicts could galvanise convicts from a broader base of opposition. This points to one of the central differences between the experience of the inmates in Goffman's study and the convicts. The latter could respond to broader political issues and did not confine their protests to the level of secondary adjustments within the institutional regime.

## 5 THE END OF TRANSPORTATION

We have already touched upon some of the changes that led to the cessation of transportation to the eastern colonies. Such factors as the mounting criticism of transportation as a form of punishment, the failures of the new policies of the 1840s and the opposition within the colonies to the exiles, were important indicators of the disintegration of the transportation system. In 1853 transportation was formally abandoned in respect of the eastern colonies. In this section we will examine some of these developments in greater detail. Movements for change came from two areas - wider British debates concerning crime, punishment and the future of the Australian colonies and Australian debates over the future shape of colonial society. Obviously the two were interconnected but it will help us to understand the events if we begin to look at them separately.

### 5.1 British developments

The conflict between the defenders of transportation and the advocates of imprisonment that we have noted in earlier sections of the study guide continued throughout the 1840s and early 1850s. At first glance it might seem that the cessation of transportation to New South Wales in 1840 was a triumph for the cause of imprisonment. On closer examination, however, the opposite seems to be the case. The decision was made by a British parliament strongly in favour of the continuation of transportation. To understand the reasons for this we need to return again to the notions of crime and punishment which dominated debates in the period.

Two notions seem to have been important. First, the view that criminality was a type of disease spread by association, led to the policy of breaking down convict groups by isolating them on farms as servants. By the late 1830s, however, New South Wales was a sufficiently populous colony for such a policy to be difficult to enact. Second, the view that transportation should be a sufficient deterrent to crime in Britain was increasingly undermined by the prosperity of the colony. You will recall from Course HP01a, *Defining Australia*, how the image of 'hell on earth' was gradually eroded in the early nineteenth century. By the 1830s, despite the existence of the colonies of secondary punishment, transportation to New South Wales was no longer considered a sufficient deterrent. The new policy in the 1840s, apart from the brief Maconochie episode, was to transfer 'hell' to Norfolk Island and Van Diemen's Land as the foundations for a continued system of deterrence.

By the late 1830s these changes in the system of transportation need to be placed in a wider context of developments in the British system of criminal jurisdiction. Throughout the early nineteenth century, attempts had been made to reform the criminal code by lessening the severity of sentences. The efforts of reformers like Samuel Romilly in the 1810s, the consolidation by criminal law in the 1820s by Robert Peel, and new Acts in the 1830s, served to reduce the number of capital offences to eight by the 1840s. Similarly, the number of offences punishable by transportation were reduced. Many crimes previously liable to hanging or transportation were, by the 1840s, the subject of fines or short terms of imprisonment. After 1841, only convicted murderers were hung, and hangings were not open to the public as they had been in the eighteenth century. Through these reforms it was hoped to guarantee more certain conviction, by removing the reluctance of judges and juries to sentence people on capital charges.

These changes in the criminal law were complemented by other developments. There was a shift towards the professionalisation of policing in Britain. Local watchmen and private organisations were augmented by a number of police forces - metropolitan (1829), borough (1835) and rural (1839). These changes indicated a shift in policy away from selective and harsh deterrence towards a system of regular policing, more certain convictions with less arbitrary determinations by magistrates. However, these developments were slow. Watchmen and parish constables existed side by side with police for many years and it was not until 1856 that it was obligatory to establish county police forces. Nonetheless, early movements in this direction aided the growth of a penitentiary system in the 1840s based on the notion of a series of graduated punishments fixed according to the crime. By 1842 there were prisons (as distinct from local gaols) at Millbank, Wakefield and Preston, and in that year Pentonville, the new 'model' prison, was opened. Others opened soon after - Reading in 1845, Portland in 1848 and Dartmoor in 1850.

The significance of these developments was that by the 1840s imprisonment was beginning to be seen as a viable alternative to transportation. It was no longer an idea in the minds of a few reformers but an actuality to be considered in the framing of government policy. This placed pressure on the advocates of transportation to justify their policy. In one regard they could point to the changes in the criminal law, which meant that only the most serious offenders were, by the 1840s, being sentenced to transportation. Nonetheless, advocates of transportation justified their views in a number of ways. You will find some of these reasons in the following documents.

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Read Evans and Nicholls, 'Earl Grey's transportation policies', Excerpt 9, pp.49-51. Then complete the following SAQ.

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SAQ 25

What were the reasons given by Earl Grey to support the transportation system? You should find at least two.

Advocates of transportation continued to justify their scheme in terms of the reform of the convicts despite all the evidence to the contrary. Nonetheless, in the early 1840s their case received support from the severe economic depression in Britain. The crime rate began to rise in the 1840s and, although this may have been due to more policing rather than more crime, politicians capitalised on this fact to point to the continuing need for transportation, an argument which received a further fillip in 1847 with the impact of the Irish famine. A greater concern in the 1840s, however, was the fear of the 'dangerous classes'. Some reformers considered transportation vital in the struggle against these classes. Hence, they argued for continued levels of transportation and also new policies to make it more effective. By the same token, the depression in the colonies made some colonials fiercely oppose the landing of convicts for whom no work could be found.

In the British Parliament in the 1840s there remained a strong body of support for the continuation of transportation. Attempts by the Whig government of Lord Melbourne to reduce transportation in 1841 led to their censure in Parliament. The subsequent Tory government of Peel instead sought to accelerate the transportation of convicts to Van Diemen's Land, while at the same time altering the system through the policy of exiles and probation. Similar attempts by Earl Grey, Secretary for the Colonies in the Whig government of Lord John Russell (1846-52), to reintroduce the exile system were criticised by many for what they, wrongfully, thought was a scheme to abandon transportation. As we have seen, Grey favoured the continuation of the policy but in a revised form.

Despite this body of Parliamentary support for transportation, the coalition government of Aberdeen reformed the penal laws in 1853 which led to the cessation of transportation to the eastern colonies in that year. The 1853 Act abolished transportation for sentences of under 14 years, to be substituted by penal servitude. First, it is important to recognise that this did not mean the abandonment of transportation altogether. Those sentenced to 14 years or more continued to be transported to other colonies such as Western Australia and Bermuda, but with the reform of the criminal law the number of such offenders was small. After 1853 transportation continued only as a minor part of the overall system of criminal jurisdiction and punishment. The question we can consider now is why the Aberdeen government was able to substantially dismantle the transportation system when a few years earlier Grey had been severely criticised for any such attempted action.

One important factor was the decline, in the late 1840s and early 1850s, in the rate of indictable offences. This was caused by improved economic conditions and the transfer of a number of crimes to summary jurisdiction. The decline, coupled with the increase in the number of prisons, meant that by the early 1850s, for the first time, there were vacancies in Her Majesty's gaols. Similarly, the growth in reformatories, hospitals and asylums meant that there were a number of alternatives for the control of the 'dangerous classes'. Another factor was the high cost of transportation. In the 1840s it was estimated that transportation cost one hundred pounds for each convict for the duration of their sentence while the cost of imprisonment was fifteen pounds a year in England and ten pounds in Ireland. Therefore for those sentenced to less than seven years, imprisonment was the cheaper alternative and an attractive one for governments. Another reason advanced by some commentators was the gold rushes in Australia in the early 1850s. Ticket-of-leave and exile convicts were no longer likely to perform useful work in the colony. Rather they headed, along with everyone else, for the goldfields.

Nonetheless, the main reason appears to have been the rising tide of opposition in the Australian colonies to the continuation of transportation. Some British politicians were concerned at the prospect of alienating colonial opinion. For example, Sir John Pakington argued in 1852 that England should not force the colonists 'into a furious opposition ... extinguishing all loyalty and affection for the mother country'. Similarly, in 1853 Lord Palmerston, the Home Secretary, argued that colonial objections had been paramount in the decision of the government. It is this colonial opposition which will be the focus of our next section.

## 5.2 Colonial pressures

To understand the emergence of colonial opposition to transportation we have to look more closely at the changes in the social structure of the penal colony. We have already looked at the changes, through immigration and emancipation, of penal society from a system based on a clear division between official and convict to a more complex structure based on officials, free settlers, emancipists and convicts. The penal colony had grown from a few thousand persons clustered on the coastal fringe in the 1790s to a population of almost half a million in the 1850s. Economic growth and development served to further fragment the social structure. By the 1840s and 1850s the pastoral economy encompassed large and small landowners, squatters, labourers and other occupations, as well as an urban sector of merchants, bankers, small businessmen, together with the necessary supporting sectors of clerical workers, labourers, sailors, domestic servants, shop assistants, lawyers, doctors, skilled tradesmen, public servants and the like. From this diverse foundation sprang a variety of conflicting interests and priorities.

The issue of labour was of crucial importance to the economic development of the colony. Initially there was some congruence between the interests of Britain and those of some colonists. Convicts were a cheap source of labour and the exploitation of that labour particularly by a small group of free settlers led to the creation of a class of large landowners - the gentry or the exclusivists. This group, along with the hierarchy of the Anglican Church, formed the basis of the powerful conservative faction in colonial politics - opposed to the entry of emancipists into the offices of civil society, opposed to democratisation of political institutions, and in favour of the continuation of transportation.

Economic development, however, created a demand for different types of labour, particularly skilled labourers and tradesmen not generally found in the convict population. In the 1820s and 1830s a number of businessmen sought to encourage the immigration of skilled labourers by providing assistance with passage to the colony and help in finding employment. Although there was a growth in the proportion of emancipist labourers, and labourers lured to the colony by the myth of the 'workingman's paradise', many of these were unskilled. The emerging complexity in the labour market was a source of social conflict. Convict labour was cheaper than wage labour, so that, particularly in times of depression, free and emancipist labour could be threatened by this source of cheaper labour.

Advocates of free wage labour argued that it was more productive than convict labour. Although convict labour cost less than half the wages for an unskilled labourer, convicts often resisted attempts by masters and overseers to exploit their labour power - through go-slows, purposeful accidents, breaking tools and other forms of sabotage. As a consequence, unless masters ruthlessly supervised the convicts or alternatively encouraged them with extra rations (raising their cost), wage labourers could often produce more than convict labour, making them a more economical proposition in some sectors of the labour market.

It was not, however, simply a matter of labour and economic productivity. Conflicts over the source of labour were part of wider political conflict over the structure and future direction of colonial society. Points of antagonism arose over such issues as political authority, land policy, transportation, religion and education. The result was a challenge to the power of the older power block of conservative gentry, Anglican Church, governors, officials and military forces which supported the maintenance of convict institutions and an authoritarian political structure.

The challenge came from the new urban middle classes, smaller Protestant groups, the Catholic Church, small landowners and the free and emancipist working class. These groups aligned on such issues as religious toleration, educational reform, land title, the democratisation of colonial politics and the abolition of transportation. These new political alliances emerged in the 1830s and 1840s. Its leaders were a group of radical liberal democrats, such as Robert Lowe and Henry Parkes, and radical Protestant clergy such as John Dunmore Lang. They became populist leaders, successful in their attempts to gain the allegiance of both the middle class and the urban working classes. The struggle for power by these groups was facilitated by the creation in 1842 of a limited elected representation in the colonial Legislative Council. With their populist support, leaders of the liberal movement were able to gain representation in the legislature. Motivated by ideas described by one historian as 'the moral enlightenment', they began in the 1840s and 1850s to seek reforms in the areas of charitable provisions for the poor, suffrage, education, criminal jurisdiction and temperance. Their aim was the reform of colonial society to eradicate the last vestiges of its convict past.

The abolition of transportation was an early, and central, element in their programme of reform. They saw the convicts as the 'depraved dregs' of British society. It followed, then, that if colonial society was to progress the source of 'moral corruption' in the community had to be stopped. Instead, the immigration of free labour was to replace convicts as the source of labour in the colony.

The anti-transportation movement became the cause to which a number of these middle-class and working-class groups rallied in the mid-nineteenth century. As mentioned earlier, the economic conditions of the 1840s served to sharpen the political crisis for these interest groups. The attempts by the Peel government in Britain to increase transportation to Van Diemen's Land placed great strain on the colonial labour market. Employment was not available and convicts unable to work had to remain in government service. British government schemes for exile and probation foundered on the economic realities of the 1840s, but for colonists the continuation of transportation threatened to sharpen antagonisms in the labour market and exacerbate problems of poverty and crime. Colonists articulated these anxieties in their focus on the 'moral pollution' created by convicts.

The exiles policy of Earl Grey only antagonised sections of colonial opinion further. At first they thought Grey was planning to abandon transportation but when they discovered that this was not so they felt doubly betrayed. Colonies such as Port Phillip voted to reject the landing of vessels containing exiles while colonists in New South Wales feared that transportation might be resumed and argued that probation convicts were flooding over the borders from other colonies.

These fears and anxieties were the basis for the growth of the anti-transportation movement. You have already seen in Course HP02a, *The Bush Mythology*, the reaction of colonists in New South Wales to the proposal to send convicts on the *Hashemy* to the colony. Similar events occasioned public protests in many eastern colonies. In 1849 the first Anti-Transportation League was formed in Launceston. A few months later a similar group began in Hobart. In 1850, fearful of consequences of transportation to Van Diemen's Land, a large meeting was held in Old Barrack Square in Sydney where the New South Wales Association for Preventing the Revival of Transportation was formed. Within the year similar associations in Port Phillip, South Australia and Van Diemen's Land sought to join forces in a united opposition to the policy of transportation.

These movements were a source of conflict within the colony. Supporters of transportation and British government officials strongly opposed the anti-transportation campaign. Nonetheless, it was the reformers who proved successful. With these developments in mind you will have a context in which to assess some of the following documents relevant to the cessation of transportation. These will give you a better grasp of the complex issues involved in this struggle.

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Read Evans and Nicholls, 'The Australasian Anti-Transportation Movement, 1848-51' and 'The Abolition of Transportation to Eastern Australia', Excerpt 10, pp.52-62. Then complete the following SAQ.

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SAQ 26

1. What were the arguments used by the opponents of transportation in the colonies?
2. Supporters of its continuation in the colony argued a different case. What was it?
3. What were some of the reasons advanced by British politicians to support abolition?
4. What did their opponents in Parliament argue?

# 6 THE HATED STAIN

## 6.1 Social and political impact

We have already examined the attitude of numerous officials, free settlers and other commentators concerning the 'depravity' of the convicts. This was a widespread middle-class image of the convicts. Throughout the period of transportation and long after, many officials and other commentators expressed concern over the possible consequences of having convicts or their offspring as a substantial proportion of the colonial population. This was popularly expressed in the notion of the 'birth taint' or the 'hated stain'.

Like any image, such as those you studied in Course HP01a, *Defining Australia*, the 'hated stain' image was created by certain social groups but was also available for different groups to use in a variety of ways. For example, supporters of the continuation of physical punishments for convicts argued that the convicts were irredeemable 'rogues' for whom nothing could be done. In another case, advocates of the cessation of transportation used the image of the 'convict taint' to argue that the consequences of continued 'moral pollution' were too great and that, if the colonies were to prosper and progress, transportation should be stopped. Central to these issues was the debate over whether convicts could be reformed. Some argued that they were incapable of reform and this could be used to justify continued punishment policies. Others argued that they were reformable and hence different social and political institutions could be used because, over time, the convict 'stain' would disappear. Some of these views will be apparent in the following documents.

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Read Evans and Nicholls, 'Did transportation reform?', Excerpt 11, pp.63-68. Then complete the following SAQ.

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SAQ 27

1. What were some of the reasons advanced to support the claim that the convicts were incapable of reform? Name at least two reasons.
2. Not everyone agreed. What arguments did they give?

These are important sources for a history of ideas about the convicts. In earlier sections of the study guide it was argued that such ideas were produced in a situation of cultural difference and conflict between middle-class commentators and the subjects of their reflections - the working-class convicts. Their interpretation of the convict's nature was structured by prevailing conceptions concerning the causes of behaviour. In the late eighteenth and early nineteenth centuries the terms of debate centred on the 'moral structure' of the individual. Regardless of whether 'moral structure' was seen as innate or a product of the environment, the onus of reform was on a change in the individual. You will examine some of these developments more closely in Course HP08a, *Classifications*.

These were not merely interesting ideas confined to the realm of scholarly debate but were widely discussed and had a central influence on the treatment meted out to the convicts. Although in the initial stages of the penal colony some regarded transportation as essentially reformative, other officials more concerned with their 'depravity' ensured that the social and political structure of the colony was authoritarian and repressive. From their own experience they could argue that convict resistance was proof of their innate depravity, and this in turn justified the continuance of systems for the effective control and punishment of the convicts. In the 1830s and 1840s (when the urban middle classes began to agitate for social reform, the cessation of transportation and the beginnings of limited legislative autonomy) the issue of the 'hated stain' became foremost in public debate. The important question concerned the possible effects of change on the convict and ex-convict population - would it unleash social disruption?

In order to answer this question a number of colonists turned to such indicators as poverty and the rate of crime to determine whether there was any demonstrable impact of the convict population on the incidence of these problems. Throughout the second half of the nineteenth century colonists debated the evidence over whether there was a 'convict taint', in what forms it was manifest and how it could be eradicated. Some historians have similarly sought to investigate the problem of the 'hated stain' and its possible impact on later social development. In the following reading you will find one example of this attempt to investigate the 'stain'.

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Read Henry Reynolds, 'That hated stain', reading 18. Then complete the following SAQ.

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### SAQ 28

1. Reynolds argues that the convict origins of Tasmania had an impact on later social developments. In what ways did he measure this impact?

2. What was the reaction of the free settlers to the conditions created by the convict system?

In this reading Reynolds puts forward two main propositions. First, he argues that such indicators as the rate of crime show that the convicts were in fact a real 'stain'. Comparison with other colonies demonstrates, according to Reynolds, that Tasmania had a higher proportion of convicts in the population and a higher crime rate. Therefore, the decisive factor in the equation is the number of convicts; Reynolds concludes that as the proportion of convicts and emancipists in the colony declined in the 1870s and 1880s then so did social problems such as crime and poverty. Second, he argues that fear of the 'stain' was crucial in the development of conservative Anglophile attitudes in the Tasmanian colony and that ex-convicts were a relatively submissive proletariat unlike the anti-authoritarians depicted in Russel Ward's *The Australian Legend*.

It is possible to point to a number of problems in Reynolds's analysis. For instance, he does not investigate the significance of economic factors in the creation of crime and poverty in Tasmania. Yet this colony was the most economically disadvantaged, it had no large-scale pastoral enterprises to absorb labour and, with fewer labour shortages, employers could depress wages for there was a greater supply than demand for labour. Such factors may have played an important part in creating greater levels of crime and poverty, which may not simply be reducible to a high proportion of convicts.

Another problem is that Reynolds does not connect the two sides of his argument. On the one hand, he demonstrates that fears of the 'stain' were responsible for the building of more prisons, hospitals and charitable organisations than in the mainland colonies. Similarly, the size of the military and police forces, as well as the employment of special constables, was influenced by these fears. On the other hand, he fails to see the connection between these institutions and the high rates of crime, disease and poverty. The very existence of these institutions created higher levels of policing and more places for the accommodation of such social populations. It is possible that if such systems existed in these proportions in the mainland colonies they would have had higher rates of crime, disease and poverty. Thus, the rates may have been caused by factors other than simply the proportion of emancipists in the population.

Other historians such as Michael Sturma in his recent book *Vice in a Vicious Society* (1982) have argued just this case in regard to New South Wales. Sturma points out that in the 1850s and 1860s the crime rate in the colony was greater than that in Britain and that many commentators used this fact to stress the social reality of the 'convict taint'. Yet Sturma points out that the colony had many more police per head of population than Britain and that more police meant the 'production' of a higher crime rate. In other words, the very fear of the 'stain' produced its own proof.

This line of argument suggests that the 'stain' was less an actuality in the population than in the eye of the beholder. Convicts and emancipists as representatives of the unskilled British working class were prone, as were their counterparts at home, to the vicissitudes of the labour market in which poverty was an ever-present threat and crime one of a range of responses. Despite the image of 'the workingman's paradise', the reality for unskilled workers was often grim. This was a structural fact of economic life regardless of whether one was a convict, emancipist or unskilled free labourer. Yet the image of the 'hated stain' influenced the middle classes in believing that the cause was simply convictism. The result was a police force, a prison system and charitable organisations geared to the expectation that convicts required greater control and discipline and represented a greater threat to social order than other classes in the colony. The consequence was high crime rates and levels of imprisonment, charitable organisations that often resembled forms of incarceration, and forms of social control more authoritarian than in comparable Western societies.

The political situation of the colonies in the mid-nineteenth century, however, created a number of different impulses. Although the liberal urban middle classes feared the 'moral pollution' occasioned by convictism, their campaign for political power rested on gaining representative government. In order to gain control of the elected houses of parliament they were dependent on widening the eligibility to vote in order to win seats through their popular support from sections of the urban working classes. They sought alliances with many emancipists with the result that New South Wales achieved manhood suffrage in the 1850s, 70 years before similar franchises were available in Britain. Thus, political leaders had to appeal to emancipist sympathies in order to win office and implement their programmes of reform.

Other more indirect consequences of the convict beginnings of Australia are still apparent today. The early requirements of a centralised military/police state apparatus in the penal colony were influential on later developments in political institutions. Political centralisation at the colony level inhibited the growth of autonomous local government organisations. Today we can still see that, in comparison to Britain, Australia has a weak local government system but a strong state government system.

## 6.2 Cultural consequences

You have already seen in previous courses such as HP01a, *Defining Australia*, HP02a, *The Bush Mythology*, and HP02b, *Urban Australia*, how the impact of the convicts on Australian culture is a topic of some dispute. For example, Russel Ward in his book *The Australian Legend* has argued that the convicts and their experiences in the penal colony were central to the development of a definably Australian bush ethos which became a characteristic of the typical Australian. Similarly, you have read a number of critics of Ward who have found problems in his formulations. Henry Reynolds in the previous reading provides an interpretation of the convicts in Tasmania which is different to that of Ward's. While Reynolds accepts that Ward's interpretation of the convict culture may be accurate for the mainland colonies, he suggests that the opposite was the case in Tasmania. Implicitly he argues that it is not an Australian legend that Ward has examined but a mainland, even eastern states, legend.

A number of women writers, notably Anne Summers and Miriam Dixson, have argued that the male-dominated convict society was responsible for the development of particularly harsh, chauvinistic attitudes towards women. On the other hand, some critics of this position, like Patricia Grimshaw and Maya Tucker, have argued that the scarcity of women made them more highly valued and resulted in the early development of modern patterns of family life. You will examine these problems in greater detail in the next course HP07b, *Penal Colony 2*.

The point to be made here is that there is no clear-cut answer to the question of the cultural consequences of the convict period. Different forms of evidence have suggested a range of interpretations. The collection of more evidence equally will not resolve the issue of how to interpret the variety of evidence that could be utilised in answer to these questions. Whether the convicts were the fathers of an anti-authoritarian bush radicalism or of an apathetic proletariat, whether they were more brutal or more familial in their attitude to women, whether they were criminal brutes or worthwhile citizens if given the chance, is a matter of continuing dispute which has no easy resolutions.

What we can conclude is that the convict period has provided fertile ground for the production of a variety of images. Early images of 'hell on earth' or the 'workingman's paradise', as described in White's *Inventing Australia*, influenced the development of attitudes and social policies. Since that time, novelists, artists, poets and others have sought to interpret the convict past.

Famous novels such as Marcus Clarke's *For the Term of His Natural Life* (1870-1872) depicted the convict as an innocent victim of a cruel system. We can see a continuing tradition in other novels such as Eleanor Dark's *The Timeless Land*, and Catherine Gaskin's *Sara Dane*, which have become television series. Similarly, the popular series *Against the Wind* also provides particular images of the convict past. These productions have been influential on modern attitudes about the convicts and the early penal colony.

Although it is possible to point to inaccuracies and levels of romanticisation in these works, we should not ignore the issue that even in the more cautious circles of academic debate the image of the convicts is still in dispute. This is the subject of the next course. Here we can suggest that analysing the convict period is caught within many of the same dilemmas that confronted examination of any of the images you read about in Course HP01a, *Defining Australia*. Each image was created in a particular context and used by different groups for different purposes. In examining the penal colony and the different images which have sought to represent that past we should remember the context in which these images were created and who created them. At this point you might like to return to the preliminary exercise and consider your answers in the light of what you have studied in this course.

## TUTORIAL TWO

Bring your study guide and readings and raise any questions you have about these or the SAQs.

In addition we will discuss how to tackle the assessment item.

On the basis of your understanding of the study guide and the readings in the course we will discuss a number of general issues concerning the writing of history. Questions you might like to discuss include:

1. What are some differences between history from below in relation to history from above?
2. What are some of the problems in writing a social history of the lives of working-class men and women in the convict period?

Discuss these questions in relation to examples from this course.

Even if you do not attend the tutorial, spend some time writing answers to these questions, for they will help prepare you for writing the assessment item.

## 7 CONCLUSION: DOCUMENTS AND HISTORY

In this course we have examined some of the principal features of the establishment and development of the penal colony in Australia. In this respect, emphasis has been placed on the broader historical contexts in which these particular developments occurred. Some of the important contexts we have encountered in this course include:

1. The impact of the Industrial Revolution, the Enclosure Acts, and urbanisation in eighteenth-century Britain, creating a harsh criminal code, which resulted in the criminalisation of a number of activities which some displaced rural labourers and urban working-class persons found important for their survival.

2. The continuing theme, throughout the history of the colonies, of transportation versus imprisonment in the debates about the best form of punishment for offenders and the impact of these debates on the implementation of certain penal policies in the colonies.

3. The important cultural conflicts between middle-class commentators and working-class convicts which underpinned many attitudes expressed in documents of the period.

4. The emerging social complexity of colonial life which undercut the simple division between convict and official and led to the emergence of social groups determined to end transportation and create a self-governing society in the colonies.

It is within these various contexts that we have placed many of the documents you have read in the course. These documents have not only provided useful information on the workings of the transportation system but have also given us a means for critically reflecting on the nature of historical sources and the problems in their use.

Here it seems possible to conclude, in the light of this course, that many primary sources are not neutral, value-free statements, but interpretations based on specific cultural values and arguments situated within the context of particular debates. This, however, should not lead us to the conclusion that they are therefore false and misleading. On the contrary, they are important representations of how certain people viewed their time and the events that occurred around them. By examining such sources, determining their context and comparing them with other sources, we can get a broader picture of the conflicts which existed in the penal colony and the range of attitudes which shaped policies and influenced the lives of those who inhabited the colony.

Similarly, we can see from these documents the difficulties of ascribing specific attitudes to particular social groups. Although it is possible to describe a broad middle-class consensus concerning the 'moral depravity' of the convicts, officials and commentators often differed sharply over the best penal policies to pursue. Differences were also apparent between those who, either through experience or conviction, thought convicts capable of reform and those who considered them irredeemable.

Convicts likewise manifested different attitudes to the colony system. Some viewed their fellow convicts with middle-class contempt, others deferred to the hegemony of the middle class and sought to adapt as best they could to the system, and still others perceived that personal advantage could be gained in the system. A number of convicts, however, either individually or collectively, protested over the conditions of the system in which they were forced to work. They perpetuated subcultures alien and opposed to those of their masters and expressed this opposition in language, values, mores and actions. Rather than condemning one response or praising another, our task has been to investigate the context and conditions within which these attitudes could be produced.

By stressing the history of the convicts within the broader developments of the penal colony this course has adopted, in part, a 'history from below' or 'social history' approach. We have not rested content with exploring the views of the officials and the policies that they implemented even though they were undoubtedly central to the experiences of convicts. Rather, we have also attempted to make some sense of the attitudes of the convicts and seek to discover motivations for their actions not apparent from the writings of officials. This, in turn, has allowed us to place the attitudes of officials in a broader social context of cultural conflict. In the next course, HP07b, *Penal Colony 2*, you will have a chance to investigate how other historians have read the documents, examined their contexts, drawn conclusions and set up debates with each other over the interpretation of the history of the penal colonies.

## BIBLIOGRAPHY

ATKINSON, A. (1979). Four patterns of convict protest. *Labour History*, No.37, November, pp.28-51.

CLARK, M. ed. (1977). *Select Documents in Australian History Vol.1, 1788-1850.* Sydney: Angus and Robertson. Originally published 1950.

CLARK, M. ed. (1977). *Sources of Australian History.* Melbourne: Oxford University Press. Originally published 1957.

CLARKE, M. (1952). *For the Term of His Natural Life.* London: Oxford University Press. Originally published in serial form 1870-1872.

DANIELS, K. and MURNANE, M. comps. (1980). *Uphill All the Way: A Documentary History of Women in Australia.* St. Lucia: University of Queensland Press.

DARK, E. (1963). *The Timeless Land.* Sydney: Collins.

EVANS, L. and NICHOLLS, P. eds. (1976). *Convicts and Colonial Society 1788-1853.* Sydney: Cassell.

GASKIN, C. (1955). *Sara Dane.* London: Collins.

GOFFMAN, E. (1978). *Asylums: Essay on the Social Situation of Mental Patients and Other Inmates.* Ringwood: Penguin.

HARRIS, A. (1953). *Settlers and Convicts or Recollections of Sixteen Years in the Australian Backwoods by an Emigrant Mechanic.* Melbourne: Melbourne University Press.

IGNATIEFF, M. (1978). *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850.* London: Macmillan.

INGLIS, K. (1974). *The Australian Colonists: An Exploration of Social History 1788-1850.* Melbourne: Melbourne University Press.

REYNOLDS, H. (1969). That hated stain: the aftermath of transportation in Tasmania. *Historical Studies*, Vol.14, No.53, pp.19-31.

RUDÉ, G. (1978). *Protest and Punishment: The Story of Social and Political Protesters Transported to Australia 1788-1868.* Melbourne: Oxford University Press.

SUMMERS, A. (1975). *Damned Whores and God's Police: The Colonisation of Women in Australia.* Ringwood: Penguin.

STURMA, M. (1983). *Vice in a Vicious Society.* St. Lucia: University of Queensland Press.

THOMAS, K. (1959). The double standard. *Journal of the History of Ideas*, Vol.20, No.2, pp.195-216.

WARD, R. (1966). *The Australian Legend.* Melbourne: Oxford University Press. 2nd edition.

WARD, R. and ROBERTSON, J. eds. (1978). *Such Was Life: Select Documents in Australian Social History Vol. 1, 1788-1850.* Sydney: Alternative Publishing Cooperative.

WHITE, R. (1981). *Inventing Australia.* Sydney: Allen and Unwin.

## FURTHER READING

It is not necessary to read more than the course texts and specified readings. However, if you wish to read more widely, you could consult some of the following books (available in the Griffith University Library or the University Bookshop). Some of these will be used in the next course, HP07b, *Penal Colony 2*, and you might like to consult them before beginning that course.

HIRST, J. (1983). *Convict Society and its Enemies.* Sydney: Allen and Unwin.

ROBSON, L. (1976). *The Convict Settlers of Australia.* Melbourne: Melbourne University Press.

SHAW, A.G.L. (1978). *Convicts and the Colonies.* Melbourne: Melbourne University Press.

SUMMERS, A. (1975). *Damned Whores and God's Police: The Colonization of Women in Australia.* Ringwood: Penguin.

## ANSWERS TO SELF-ASSESSMENT QUESTIONS

### SAQ 1

The Committee pointed to two main problems with the use of the hulks. First, they contributed to the 'mischievous effects' of keeping convicts in close contact with each other. It helped confirm people in their criminal ways, and at the end of their sentence they were sent back to the community unreformed, and, unable to get work, they inevitably returned to a life of crime. The second problem with the hulks was that they were expensive, a 'dead charge to the public', probably more so than transportation where convict labour would lower the cost of their upkeep.

### SAQ 2

1. Two-thirds were tried in England, less than one-third in Ireland, a few hundred in Scotland. Of the English, one-third of males and half of the females came from London or Lancashire.
2. Average age 26 years.
3. Three-quarters were single.
4. Two-thirds Protestant.
5. One-half to perhaps two-thirds.
6. Four-fifths were sentenced for larceny (theft).

### SAQ 3

1. Mayhew defined two groups of working men - the criminal and the honest vagrant poor. The first group were the vagrants and, according to Mayhew, were content to be so. They frequented the workhouses and charity organisations with no thought of shame and did not wish to find work. The second group were honest, hard-working men fallen on hard times. They were decent, honest and distressed if forced to accept handouts.
2. Crawford sees many problems with delinquents, and condemns the environment in which they are produced. However, he does believe that education would be of considerable benefit. Current policies and institutions may have been insufficient, according to Crawford, but reforms could have the effect of improving the behaviour of the delinquents.

SAQ 4

1. Among some of the notable characteristics ascribed to the convicts are: laziness, indolence, wickedness, profligacy, drunkenness, promiscuity and insolence. The list is not exhaustive.

2. The writers include government officials, clergy, free settlers, navy surgeons, visitors and their wives: generally members of the respectable middle classes as well as one convict, James Hardy Vaux.

SAQ 5

The three main social groups were the convicts, the emancipists (freed convicts) and the free born, who included settlers, soldiers and officials. Among the latter group, the free settlers was a distinct group, the exclusivists, who were opposed to the entry of ex-convicts into public office.

SAQ 6

Bigge argued that the purely coercive nature of government service meant there was no incentive for the convicts to work hard. He also argues that trying to encourage convicts through task work (allowing convicts time off once they finished set jobs) defeated the object of reform because it allowed convicts more free time to pursue idle habits and did not subject them to the benefits of regular work.

SAQ 7

Some officials argued that assignment had a better effect on the morals and comfort of the convicts, making their chances of reform greater under this system than gang labour. Second, it was cheaper than government service.

SAQ 8

1. The Committee concludes that the promotion of the 'liberal views of the present Governor (Macquarie)' would be in the best interests of the colony.

2. It argues that reforms would promote agricultural industry and that this would reduce the cost of maintaining the colony. The Committee was also hopeful that an improved economy and liberal reforms would ensure greater social and political stability.

SAQ 9

1. Bigge's overall assessment of the Macquarie administration was unfavourable. He thought Macquarie's policies of favouring the emancipists were ill-advised, particularly when carried to excess as Bigge considered Macquarie had done. Such a policy had alienated important sections of colonial society, creating political conflict and eroding the 'moral ascendency' of the officials and colonists which was essential for the proper control of the convicts.

2. Bigge supported the arguments of the exclusivists. It was to this class that Bigge turned, with the view that they would provide the economic and moral leadership in the community to guarantee colonial prosperity, the rule of law and the proper control and punishment of the convicts.

SAQ 10

1. The central criticisms were of the assignment system, which, the Committee argued, was a 'mere lottery'. Insufficient control over the actions of masters, including the severity of punishments meted out to convicts, allowed for abuses of the system that were worse than had been imagined. The wretchedness of the convict's lot was thus a spur to corruption and made the reform of the convict more difficult. Existing transportation policies, they argued, exacerbated the deterioration of the moral conditions in the colonies.

2. The Committee favoured an extension of the penitentiary system as the best means of reforming the convicts. They advocated the building of penitentiaries both at home and in foreign colonies as a means of further isolating the convicts, and supported a policy of encouraging the emigration of criminals once their sentence was completed. They argued that at the penal establishments convict labour should be encouraged.

3. Molesworth, while supporting the penitentiary system, was opposed to their establishment in the colonies. He argued that this was just perpetuating transportation by another means and would hence lead to the continuation of the abuses already apparent in the system.

SAQ 11

Maconochie considered that established practices of convict labour were merely systems of slavery which inevitably led to the deterioration of the convict, making the task of reform more difficult.

## SAQ 12

1. Probation was initially planned as a means to avoid the abuses of the assignment system. It removed the element of chance, whereby it was a 'lottery' whether a convict was assigned to a good or bad master. It mapped punishment to fit the crime more exactly and promised greater prospects of reform because it provided incentives for improvement.

2. Administrators complained of a number of problems which undermined the effectiveness of these policies. First, the character of many of the convicts had not been improved by their period of imprisonment; thus, they were not more amenable to reform and just as depraved as earlier transportees. Second, the probation system did not lead to greater reform; on the contrary, their congregating together only deepened their criminal tendencies. Third, it removed incentives from masters to provide better conditions for convict servants. Last, the convicts were too great in number and the economic conditions so depressed in the 1840s to allow the scheme to work.

## SAQ 13

Cunningham, like many of his contemporaries, considered the women more quarrelsome, difficult, excitable, abandoned and profligate than male convicts. They had less control over their passions or tongues. Thus, it was the women's fault that poor unsuspecting sailors lost their virtue on the voyage out. In much of this writing it was usually the women who were blamed.

## SAQ 14

This writer believes that under the right conditions female convicts were amenable to reform. He blames the sailors, soldiers and officials who whipped and degraded the women, and forced them into prostitution, for any moral faults that the women may have acquired. This is a very different account to that of Cunningham in the previous reading.

## SAQ 15

Administrators pointed to problems such as

(a) rundown state of the buildings and facilities
(b) need for further classification
(c) lack of productive employment
(d) overcrowding
(e) need to get maintenance from fathers of illegitimates
(f) need to encourage husbands to take back wives
(g) epidemic diseases
(h) lack of accommodation.

## SAQ 16

Harris strongly opposed the actions of certain authorities, particularly the police and magistrates, because they were arbitrary and open to frequent abuse. People were persecuted by the unwarranted actions of these agents with little protection or hope of redress. Harris believed that there was little hope for the advancement of the colony unless such abuses were eradicated.

## SAQ 17

According to Therry, there were no checks on the actions of magistrates, creating a situation where the enactment of the law was open to considerable abuse. Power was vested in a single magistrate meaning that he could act on his own will with few impediments. In other words, the law was arbitrary in its application.

## SAQ 18

Secondary adjustments are those methods used by patients to express their involvement and disaffection with the institution. They are the range of activities pursued by patients to flout the rules of the institution and break with the expectations of the staff. They are the small escape worlds that persons in total institutions develop within the confines of the institution.

## SAQ 19

The language of the women is the significant point of evidence. Their use of the 'flash' points to the cultural origins of the women as members of the British urban subculture. Also worthy of note is the adaptation of the 'flash' to the Australian context through the development of distinctive Australian words such as 'new chum', 'stringy-bark' and others.

## SAQ 20

1. Sly grog, prostitution, gambling, smuggling and theft might be some of the trades you could have noted.

2. Harris generally gives an unfavourable impression of the inhabitants of The Rocks. The men are seen as tough criminals, loud and drunken, who would sooner rob you than speak to you. The women are seen as wretched and half-frantic, victims of the male ethos of the pubs that they are forced to frequent in order to survive. He has greater sympathy for the women, but lives in fear of the men - the sailors, convicts and others who carouse in the pubs and sly-grog shops at night.

SAQ 21

1. Vaux was generally antagonistic towards his fellow convicts. Vaux exhibits many of the classic attitudes of middle-class commentators on the convicts - they were miserable, depraved thieves.

2. The fact that Vaux was able to publish his memoirs suggests that not only was he literate but that he came from better circumstances than the majority of the convicts and this is reflected in his middle-class attitudes. It seems possible that Vaux was one of a small group of convicts, convicted of crimes such as embezzlement, who generally came from higher social groups. They were what we would now call 'white-collar' offenders.

SAQ 22

The first document describes a reaction of horror and dismay by one convict at his experiences. The ill-treatment and punishment meted out to him and his fellows was, he thought, nothing less than torture. The next two documents depict a different convict reaction. By working hard and obeying the rules it was possible for some convicts to prosper and achieve material comforts that would have been impossible in Britain. Again, it is possible that these latter views are not entirely representative of the majority of the convict population, being the views of better-educated convicts.

SAQ 23

1. The four patterns of protest defined by Atkinson are:

   (a) Attack - where convicts verbally or physically assaulted officials, soldiers and settlers. This could take the form of insolence or cases of murder. It indicated a rejection of authority.

   (b) Appeal to authority - where convicts sought to claim rights to extra rations or other benefits and appealed to the courts or other authorities when masters sought to take away privileges.

   (c) Withdrawal of labour - this included refusals to work and go-slows.

   (d) Compensatory retribution - where angry convicts broke tools or burnt their master's property.

2. Atkinson argues that Goffman's analysis of secondary adjustments partly explained many of the convict reactions to their situation. Nonetheless, Atkinson argues that the notion of preserving the self of the patient could not encompass the continued level of

active protest against masters, despite constant failures and the threat of severe punishment. Patient adjustments were secretive and covert while convict protests were active and often open.

SAQ 24

Female convicts at the Factory resorted to forms of verbal and physical insolence and attack on an individual and spontaneous basis. Another form of protest was the organised, collective riot.

SAQ 25

Grey outlined a number of reasons for favouring the maintenance of some form of transportation. He argued that the deterrence function of the criminal law would have no effect unless the threat of actual removal was maintained. He also argued that the new system of transportation would have an increased reformative effect on the convicts. Another underlying reason was Grey's fears of the consequences of keeping criminals in Britain, a potential threat to social stability.

SAQ 26

1. The central argument advanced by colonists against transportation was that of 'moral pollution'. They argued that the continuation of transportation to Van Diemen's Land meant the inevitable flood of convicts to the mainland as convicts received tickets-of-leave. This would cause social disruption and moral decay, delaying colonial progress and undermining prosperity.

2. Supporters of transportation, in the colonies, argued that convict labour was essential for the maintenance of economic prosperity.

3. In Britain the supporters of abolition advanced three main arguments. First, that colonial opinion was generally opposed to transportation and that it was not in Britain's interests to alienate the feelings of the colonists. Second, that the discovery of gold meant that many convicts would desert their work and travel in search of gold, thus realising the fears of 'moral pollution' held by the colonists. Third, they argued that transportation as a means of punishment would inevitably diminish and that it was time for Britain to take responsibility on its own for the punishment and deterrence of crime and the reform of the offender.

4. The supporters of transportation in Britain argued that the social condition of the convicts in the colonies demonstrated that transportation had been an effective

means of reform for convicts. They argued that its continuation meant that the process of reform would continue, and that there was no threat of 'moral pollution' for the other colonies.

SAQ 27

1. A number of reasons were advanced to explain either why reform was impossible or only a temporary phenomenon. Some argued that 'roguery' was a habit, which, once acquired, was ultimately difficult to eradicate. Others suggested that the facilities for the reform of offenders were not available in the colonies. Convicts were herded together and this meant that the taint of convictism was spread and reinforced among the convict population. The lack of religious education facilities meant there was no opportunity for the moral re-education of the offenders. Others argued that colonial prosperity provided too many incentives to vice and profligacy. Once the convict was free then the temptations were often too great for the effects of reform to be permanent, and the offender lapsed into his old habits.

2. Those who argued that convicts could be reformed in the colonies proposed that the colonial environment was more conducive to reform than conditions in Britain. The poverty and destitution of Britain were seen as prime causes of criminality and thus the relative lack of such problems in the colonies provided an environment more suitable for reform. This was also facilitated by the assignment system which provided healthy, outdoor labour for convicts, isolating them from other convicts and the corrupting effects of urban life.

SAQ 28

1. Reynolds points to statistics on three social indicators - crime, disease and poverty - as evidence that the high proportion of convicts and emancipists in Tasmania's population had a significant effect on the colony's development. He provides evidence that, even after transportation had ceased, the crime rate was higher, levels of poverty greater and colonial prisons, hospitals and charitable institutions more overcrowded than was the case in other colonies, and that these rates of crime, disease and poverty only began to decrease as the proportion of emancipists in the general population declined.

2. Reynolds argued that the fear of the 'convict taint' reinforced conservative trends in the political ideas of Tasmanian colonists. Free settlers feared democracy and the threat of emancipist domination which retarded social and political development. It encouraged moves

for strengthening the military forces and private law-enforcement organisations. It also meant that free settlers were more concerned than their mainland counterparts to perpetuate the social divisions between bond and free colonists. Paradoxically, such fears influenced the growth of welfare institutions at a greater rate than other colonies.

## APPENDIX: TUTORIALS

### Tutorial One

Some of the points you might have noted include:

1. Tench's belief that transportation could have, and indeed did have, a positive effect on the character of the convicts.

2. His belief that punishment should be reformative.

3. Tench is clearly a supporter of transportation, in opposition to those who favoured gaols.

4. He is also opposed to those who considered transportation a means of ridding Britain of its undesirables. He believes transportation is only valuable if calculated to reform.

5. The context is the wider debate about punishment in the late eighteenth century.

### Tutorial Two

Some of the points you might have noted include:

1. The context of the debate about punishment - should it reform, deter or merely punish.

2. In this context, a group of evangelical reformers proposed a number of radical ideas about the purpose of law and punishment.

3. They stressed guilt, compassion, reform, legitimacy, rules and routine.

4. Hence, they were critical both of existing institutions and forms of punishment which were excessive and not calculated to reform.

5. Their prime emphasis was on proper institutional control - prisons, reformatories and asylums - to heighten guilt, and provide solitude and time for repentance and reform.

GRIFFITH UNIVERSITY
SCHOOL OF HUMANITIES

PART-TIME BA DEGREE PROGRAMME

# COURSE HP07b

# PENAL COLONY 2

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## COURSE INFORMATION: HP07b

### Course readings

For this course you need to buy one text, available in the University bookshop:

> Ged Martin (ed.), *The Founding of Australia: The Argument About Australia's Origins*, (Hale & Iremonger, 1978) ($8.95)

You are also expected to retain one text from Course HP02a, *The Bush Mythology*:

> Russel Ward, *The Australian Legend*, (Oxford University Press, 2nd edn., 1966) ($5.95)

The other necessary readings have been assembled in the course readings which accompany this study guide in the course package. Most readings consist of excerpts from books and articles and each is numbered (see list on page 3). The readings are related to one another in ways explained in this study guide. Full details on the sources of the excerpts are provided for anyone who wants to undertake further reading. However, you do not need to read anything beyond the contents of the course package in order to handle the assessment successfully. If you wish to explore further some of the themes in this course, a few additional readings are listed purely for your own interest at the end of this study guide.

### Tutorial activities

As you already know from previous courses, the tutorials are intended to provide the opportunity for you:

- to discuss the most effective ways to work through the course materials
- to sort out any difficulties you may find in particular readings or the study guide
- to grasp the connections between the readings more clearly
- to practise in building up a coherent written argument.

There are two tutorial activities for Course HP07b; each is associated with one or more of the historiographical debates to be examined in the course. Before each tutorial, you should give some consideration to the relevant SAQs, and preferably make some brief notes for use in tutorial discussion.

Attendance at tutorials is not compulsory. If you cannot come to a tutorial, or if you feel confident that you have mastered the main points in that section of the study

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guide and readings, then you can still check your progress by consulting the answers to the SAQs at the end of the study guide, and jotting down notes to the tutorial discussion questions.

## Assessment

The assessment for Course HP07b is a three-hour examination. The exam will be closely tied to the kind of work you will have met in the study guide and practised in the SAQs. There will be six questions from which you will choose three. You should spend equal time on each question, and each answer should be about 600-750 words long. (Do not worry if you are under or over these limits as it is quality not quantity that counts, but make sure you answer all three questions.) The questions will be of two general types:

1. Questions which focus on single debates out of the four investigated in this course.
2. Questions which focus on more general issues (e.g. a context or tradition such as the 1950s, or radical nationalism) and which require reference to more than one debate.

The examination paper will be divided into Parts A and B with each part containing three questions. Part A will contain questions which focus on single debates and Part B more general questions. You must answer at least one question from each part.

The exam timetable has been organised to allow you to sit for the exam when you feel best prepared, taking account of the varying rates of progress of students. A large number of questions have been prepared so that they will be different for each exam group. When you are ready to sit for the exam, please contact the programme administrator, ph. 275-7574.

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## LIST OF READINGS

Readings are numbered in order of use, and aggregated according to the section of the study guide in which they first appear.

(Note: This list does not include readings from the purchased text books.)

### Section 3 (pink cover)

Reading 1. George Arnold Wood, 'Introduction to convicts' (excerpts)

Reading 2. George Arnold Wood, 'Villagers and aristocracy' (excerpt)

Reading 3. Manning Clark, 'Introduction to the origins of the convicts' (excerpt)

Reading 4. Manning Clark, 'The origins of the convicts' (excerpts)

Reading 5. Lloyd Robson, 'Convict settlers'

### Section 4 (cream cover)

Reading 6. Humphrey McQueen, 'Convicts' (excerpt)

Reading 7. Ian Turner, 'Australian nationalism and Australian history'

### Section 5 (yellow cover)

Reading 8. Lloyd Robson, 'The origin of the women convicts'

Reading 9. Anne Summers, 'The problems of establishing a women's history'

Reading 10. Anne Summers, 'Damned whores' (excerpt)

Reading 11. Miriam Dixson, 'Our founding mothers' (excerpts)

Reading 12. Patricia Grimshaw, 'Women and the family in Australian history'

Reading 13. Portia Robinson, 'The first forty years' (excerpts)

Reading 14. Michael Sturma, 'Eye of the beholder'

## PRELIMINARY EXERCISE

Historians often disagree over their interpretations of the past. Why do you think this is the case?

# 1 INTRODUCTION TO THE COURSE AND ITS STUDY OBJECTIVES

In the preceding course, HP07a, *Penal Colony 1*, we examined some of the methods and means by which historians write about the past. Our discussion of the issues of evidence and its interpretation were important themes and pointed to the problems of writing history. By examining a range of historical documents and placing them in the context in which they were produced we were able to see that the evidence was open to a variety of interpretations. In this way, history shares many of the methodological preoccupations with evidence and its interpretation that you examined in Course HP02b, *Urban Australia*. Historians can differ over what they see to be significant in the same piece of evidence or, by asking new questions, they can generate new types of evidence. There are examples of these issues in the previous course, which focussed on questions of the social history of the convicts. For example, the opinions of officials could be considered as evidence in the history of middle-class ideas but also as evidence of the existence of convict protests. Similarly, a concern with the reactions of the convicts to their situation led us to different sources of evidence, such as ballads, rarely used by historians of the convict period. In other words, historians confront the evidence with different concepts and questions in mind and these generate a variety of interpretations.

As you will have guessed by now, this course is concerned with what historians have written about the convict period. In other words, it looks at some different interpretations of the past. While historians generally agree about certain 'facts', for example that the First Fleet landed in 1788 or that transportation to Eastern Australia ceased in 1853, they are often in dispute over why events occur and what they mean. Historians debate among themselves the proper interpretation of the nature and development of Australian society in the convict period, as they do in other areas of history. When a number of historians write about a particular event, time or place, their work is termed the 'historiography' of that issue. When their interpretations are in conflict these are called 'historiographical' debates. Here, we are going to examine in detail four of these historiographical debates. They concern:

- the reasons for the foundation of Australia. Was New South Wales settled only because it was a convenient site to send convicts?

- the character of the convicts. Were they real criminals?

- the contribution of the convicts to Australian culture. Were the convicts the founders of a tradition of egalitarianism?

- the female convicts. Were the women convicts transported to Australia all 'damned whores'?

In looking at these debates, we will focus on how historians have put forward certain interpretations of these questions and how these interpretations have been accepted or criticised by other historians. We will see how some interpretations became orthodoxies and how these orthodoxies have been criticised by later historians. An important question is why interpretations change. In looking at these historiographical debates we are, in effect, examining the history of the writing of history.

The study of historiography requires skills and methods similar to those required in the writing and study of history. The important difference is that original historical documents are not the main primary sources but the writings of the historians themselves. Nevertheless, as with documents, the study of historiography requires us to make decisions about the meaning of historical writings, assess their accuracy and validity, compare and contrast the work of different historians and place each historical interpretation in the context of its production. In this way, we are better able to see the operation of different theories, concepts, questions and opinions in the production of historiographical debates.

In order to understand better the study of historiography, two concepts are important - tradition and context.

## Tradition

It is apparent that there are certain major traditions, or schools of thought, in historiographical debate. Particular historians share common assumptions about the important factors in history. In this course, we will examine the work of some historians who exemplify particular historiographical traditions. For example, Russel Ward is a noted 'radical nationalist' historian.

You will be familiar, from Course HP04b, *Literary Studies*, with the concepts of tradition and orthodoxy. They operate similarly in the discipline of history. Different university history departments are dominated by different schools of interpretation and areas of study, and their students are trained in those traditions. For example, Melbourne's Monash University in the 1960s had a strong school of radical nationalist historians (a tradition concerned with the distinctive history of the Australian working class), while Melbourne University in the 1970s emphasised urban history. Similarly, some professional journals, e.g. *Labour History*, provide a meeting ground for discussion and debate between historians in the same tradition. These traditions are created and perpetuated by such institutional means as universities, journals, publishers and systems of accreditation (university degrees, for example, allow some people to be deemed historians and others to be excluded). These institutional factors in the creation of scholarly disciplines will be examined more closely in Course HP08b, *Disciplines*. At this point, it is sufficient to recognise that the existence of different traditions is a foundation for both the production of orthodoxies and the criticism of those orthodoxies by historians from different traditions.

Nevertheless, this leaves us with the problem of defining a tradition. In some cases, this issue is simplified when a number of historians identify themselves as a group or tradition, e.g. the radical nationalist historians. In other cases, the study of historiography entails the classification of historians into groups. It is important to recognise that a number of classification criteria are possible and that this can result in different categorisations of the one historian. For example, a frequently used system is political, i.e., conservative, liberal or radical historians (although the definitions of these categories sometimes differ). A more unusual system was that used by Rob Pascoe in his book *The Manufacture of Australian History*; he examined the work of 50 Australian historians and classified them into four main groups: formist, contextualist, mechanist and organicist. The details of this unusual scheme are unimportant but it demonstrates that when we study historiography, we can make use of more than one classification system to compare and contrast the work of different historians. You will deal more fully with the general problem of classification in Course HP08a, *Classifications*.

### Context

There are two senses in which the term context is used in historiography. Firstly, once an interpretation has become dominant in a field of historical inquiry, it becomes a focus for criticism and debate, and serves as a context for the development of new interpretations. The orthodox interpretation is criticised by disputing the validity of its evidence, by arguing that the interpretation does not follow from the evidence, by finding new evidence, or by criticising the theoretical assumptions on which original interpretation is based. Whatever the means, it is the existing interpretation which sets the terms of reference of the debate. In other words, the existing historiography is an important context for the development of new interpretations.

The second sense of the term context is similar to that used in earlier courses such as HP01a, *Defining Australia*, HP02a, *The Bush Mythology* and HP07a, *Penal Colony 1*. It is used in the sense of the wider social and political circumstances in which histories are produced. The central concern is with the influence of social, political and theoretical developments on the writing of history.

Context in both the senses above can be used as a basis for addressing questions such as: Why do new interpretations occur? Why do historians disagree over interpretations? By placing interpretations in historical context, we can provide one form of answer to these questions. In examining specific historical contexts, we can assess the complex interactions among social, political, theoretical and institutional developments on the one hand and the production of different historiographical interpretations on the other.

The objectives of this course are threefold:

- to acquaint you with some of the major historiographical debates concerned with the history of the penal colonies in Australia
- to introduce you to the reading and understanding of historiography
- to provide a further means to develop your skills in analysing writings within their historical context.

Historians are in no doubt about the establishment of New South Wales as a penal colony in 1788. Numerous documents exist which indicate the official discussions concerning the need for a new penal colony, after the British government lost the right to transport convicts to America. Throughout the 1780s, a number of possible alternatives were debated and, eventually, it was decided that the east coast of Australia, specifically Botany Bay, was the best site for the establishment of the new colony. The First Fleet left England in May 1787 and arrived at Botany Bay in January 1788. Finding the site unsatisfactory, Phillip moved further north and eventually settled on Farm Cove, in Port Jackson, as the site for the new colony. Thereafter, convicts were regularly sent to the new penal colony, and the other colonies, notably Norfolk Island and Van Diemen's Land, which were founded to extend the penal colony system. You examined some of the documents concerning the growth and development of the penal colonies in the previous course, HP07a, *Penal Colony 1*.

The historical events, and the supporting documentation, demonstrate that the issue of convicts and their transportation was a central one in the founding of Australia. But was it the only motive? This is the nub of the debate that has developed between a number of Australian historians in the last thirty years. While none of the historians denies that a penal colony was thought necessary by British politicians, some have asked why they chose Australia over other possible places, such as Bermuda. The debate about other motives for the settlement of Australia raises important questions about the issues of interpretation, context and documentation in historiographical debate. The important articles in this debate have been collected in the course textbook, *The Founding of Australia*. Before we go on to examine specific articles, you will gain a general overview of the debate from reading the Introduction.

************************************************************

Read Ged Martin ed., *The Founding of Australia*, Introduction, pp.1-7.

************************************************************

Martin argues that there are three main schools of thought concerning the founding of Australia. They are:

- the trading base theory
- the flax and timber theory
- the convict colony theory.

## 2.1 Trade

In 1952, K.M. Dallas, a lecturer in Economics at the University of Tasmania, addressed the Tasmanian Historical Research Association on the subject of the foundation of Australia. His controversial paper, subsequently published by the association, marked the first attempt to question the long established belief that Australia was founded as a 'dumping ground' for convicts. Criticised by a number of historians, Dallas published another article in 1968, and, in 1969 the book *Trading Posts or Penal Colonies* in which he attempted to substantiate further his argument. We will now read Dallas's original contribution to the debate.

************************************************************

Read K.M. Dallas, 'The first settlements in Australia' in Martin, pp.39-49. Now answer the following SAQ.

************************************************************

SAQ 1

1. Why, according to Dallas, has the establishment of the penal settlement been 'misconstrued' by historians?
2. What were the important historical developments Dallas pointed to as the context for the establishment of the colony?
3. What were the advantages to Britain in establishing a colony at Botany Bay?

Dallas did not have much evidence to substantiate his argument that trade was the prime motive for the establishment of the colony in New South Wales. He often draws on evidence written long after the 1780s, but this is not direct proof of the intentions of the politicians of the time. Similarly, he also attempts to read hidden meanings into some of the documents of the period to indicate that some people believed in the value of Botany Bay as a future trading base. There was, however, little direct documentation to support Dallas's claims.

Dallas argues by a means other than reference to documents. Instead, he attempts to place the establishment of the colony in a wider context of British mercantilism and the need to enhance the sea power of Britain to facilitate trading advantages over other European nations. This was a period of mercantile, or trade, expansion on a large scale, when European nations were competing for control over the lucrative markets of India and the Far East. Botany Bay was thus an ideal site to further British mercantile aims. Dallas is implicitly critical of historians who rely purely on extant documents to make their interpretations. He suggests that it is the wider context which is relevant to understanding what the documents mean and that, where no documents exist, one can still draw valid conclusions. There is some point to Dallas's criticisms. After all, for a variety of reasons, the extant documents might give a distorted view of the events and actions of the past. For example, relevant documents may have been destroyed or lost, or perhaps the ideas were so common that people thought it unnecessary to document them, yet these may be crucial to understanding all of the reasons for decisions made by politicians. Relying completely on existing documents may not give the full picture, and Dallas sides with the view that, in the face of such problems, the historical context is essential for grasping the complexity of events in the past.

It is possible to sympathise with the criticism that some historians tend to over-emphasise the importance of existing documents and to underestimate the determining role of the larger context. The principle is easy to state but how is the historian to decide which is the most relevant context? For instance, Dallas could argue that the developments in British mercantilism were the most relevant, but other historians could argue, and did argue, that the crisis in British punishment policies was the more central and significant context for the founding of the colony. There is no easy resolution to such a conflict. The debate is grounded in theoretical and conceptual assumptions about *historical causation*. Historians are concerned with explaining change and hence debate the *causes* of historical change. Such debates involve making assumptions about the significant causes of change, such as the economy, new ideas, political struggle, sun spots or beings from outer space. In this situation historians argue about the relevant explanatory context for historical events. On the one hand, some historians hold that the attitudes and opinions expressed in primary sources are sufficient to explain the development of events. In this view, people are the conscious shapers of their own history. On the other hand, historians such as Dallas argue that wider historical developments provide the framework in which people develop their ideas.

In arguing that there was a wider context to these policies, Dallas stresses the political, social and economic factors which circumscribe a range of ideas and actions. In contrast to the view that opinions and attitudes are sufficient explanation for historical events, Dallas argues that dominant ideas are shaped by broader material issues. This conflict in approach is sometimes described as a debate between *idealist* theories of history (ideas shape history) and *materialist* theories of history (material factors shape ideas and actions). Dallas is an exponent of the latter view. A number of his critics, however, asserted the primacy of the documentary sources and claimed that his speculations could not be proved. This was to become the dominant view and, with few exceptions, historians in the 1950s and 1960s did not seriously pursue Dallas's views.

We might now ask why historians in the 1950s sought to pose the connection between penal colonies and world commerce. One possible answer is that Dallas, as an economic historian, was involved in the investigation of the relationship between economics and history. However, such a conclusion, while obviously pertinent, cannot explain why economic historians before Dallas had not proposed similar theories. Here, it seems more profitable to go beyond the peculiarities of one historian and look at the context of the 1950s to investigate more closely some of the influences on his work.

The late 1940s and the early 1950s were the twilight years of the British Empire. The strain of World War II on the British economy undermined the basis for Britain's political power while at the same time shifting the focus of global politics towards the conflict between the superpowers, the USA and USSR. Throughout the old empire, nationalist movements were gaining momentum and many succeeded in winning independence from Britain (one notable example was India, in 1948). This was a situation in which questions concerning the factors which led to the rise and fall of empires, specifically the British Empire, were relevant to many Western intellectuals. For Australians, the events of the war and the post-war years were significant for the awareness they brought of the closeness of Asia. This awareness was heightened by the retreat of British forces from Asia after World War II.

By the 1950s, there was already a significant tradition of scholarship in analysing the connection between economic motives and imperial policy. In fact as early as 1902, J.A. Hobson, a liberal economist, had published his influential *Imperialism: A Study* which examined the interconnection between the desire for new markets for British capital and imperial expansion in the late nineteenth century. This work was the major source for Lenin's work *Imperialism* (1916), which argued that imperialism was a product of monopoly capitalism. The fact that radical liberals and Marxists argued that imperialism, trade and commerce were linked reduced its acceptability for many conservative historians. In the 1940s and 1950s, however, the interest in British history led to a renewed focus on the history of the empire and the role of the colonies in Britain's economic ascendency in the nineteenth century. For example, W.K. Hancock had published a lecture series entitled *The Wealth of Colonies* in 1950, while a number of major studies on the early empire, such as those of V.T. Harlow, had begun by this time. It was in this climate of historiographical debate and research that Dallas began his speculations about the situation of the Australian colonies within the wider history of colonial expansion.

Regardless of these developments in historiography, Dallas's work was largely ignored until the late 1960s when other historians such as Blainey (who will be the focus of the next section of the study guide, on the flax and timber theory) reopened the debate by challenging, yet again, the orthodoxy of the penal colony theory. In this renewed debate, some historians, mainly H.T. Fry, Ged Martin and Dallas himself, attempted to revive and promote the trading base theory.

In the years between 1952 and 1968, Dallas, while retaining his theory, had begun to suggest that the more fundamental reason for the settlement of Australia was trade with China. This was the argument of H.T. Fry who published an article in 1971 pointing to the centrality of China in the schemes of the British East India Company. (The article is reprinted in Martin, pp.136-149, but it is not necessary for you to read it.) His examination of the company's records and the influence of Alexander Dalrymple in the company's policy suggested that the government's desire to protect the monopoly of the East India Company and advance its trading interests was a prime consideration in the establishment of a settlement at Botany Bay. Martin added more weight to this argument in 1975 when he published some evidence from the influential London newspaper, *The Times*, which showed that the theme of trading bases was a topic of public debate at the time of the government's decision. None of this new evidence was conclusive, but it did add plausibility to the theories originally advanced by Dallas. We can now look at the next attempt to challenge the 'convict dumping' theory.

## 2.2 Flax and timber

In 1966, Geoffrey Blainey published an influential book entitled *The Tyranny of Distance*, an attempt to examine the impact of distance and isolation in Australian history. Blainey was already a well-known historian of Australian economic and social history and was subsequently appointed the Ernest Scott Professor of History at Melbourne University. His book was widely read and was quickly placed on school and university reading lists. One of his main aims was to criticise the 'convict dumping' theory. In many respects, he picked up and extended some of the insights of Dallas. However, the popularity of his book ensured that his views had a more immediate impact on the history profession. His arguments reopened the founding of Australia debate, and initiated a series of lively exchanges between the supporters and opponents of the penal colony theory. We can now proceed to look at Blainey's contribution.

*************************************************************

Read Geoffrey Blainey, 'The tyranny of distance', in Martin, pp.79-90. Now answer the following SAQ.

*************************************************************

SAQ 2

1. Why was it surprising that Britain should choose Australia as the site for a penal colony?
2. What was vital about flax and timber to Britain?
3. Why were the resources at Norfolk Island considered important?
4. Why was Botany Bay chosen rather than Norfolk Island?

Blainey, like Dallas, attempted to place the settlement of Australia within the wider context of British political and commercial policy. He went further than Dallas, however, by stressing the needs of Britain as a sea power. It was not just trade, but Britain's struggle for dominance, political and economic, that was important. In order to achieve this dominance as a sea power, supplies of materials such as flax and timber were vital. Blainey argued that traditional sources of supply, the Baltic states, were vulnerable to political interference and the resources were thought to be of inferior quality to the supplies available at Norfolk Island. Independent supplies of raw materials could further ensure the growth of Britain's sea power in the Pacific. The establishment of the colony was therefore an important development based on strategic considerations.

Blainey's argument about the foundation of Botany Bay was one element in his larger treatise on the importance of isolation and distance in the development of Australia. For Blainey, patterns of settlement, economic and social growth in Australia were structured by the need to overcome the problems of distance between the colony and Europe, and between various parts of the continent itself. Material factors of distance, and the overcoming of distance, were major determinants of developments in Australian history. Blainey's concern with the material/technical factors came out of his early involvement in economic history. After graduating from Melbourne University in the early 1950s, he became a freelance historian, and wrote a number of company histories, usually of mining companies, and subsequently wrote a general history of mining in Australia, *The Rush That Never Ended* (1963).

His work on distance arose out of his research into the history of transportation in Australia. Blainey was a staunch opponent of Marxism and, although he was an economic historian who believed in the role of material factors in history, he favoured factors like distance and transportation over Marxist concepts such as mode of production, relations of production and class struggle. Nevertheless, Blainey sought a totalising theme that would explain a broad range of historical events and this led him to stress the relevance of the wider context to the settlement of Botany Bay.

Developments in British historiography on the empire and imperialism produced a context conducive to Blainey's views. Throughout the 1950s and early 1960s, research into the growth of the British Empire had expanded and provoked a number of debates between historians. The work of John Gallagher and Ronald Robinson on free trade imperialism, published in the 1950s, stressed that British politicians in the nineteenth century had been intent on pressing for informal control over many countries to facilitate British trade. Similarly other work, such as that of D.K. Fieldhouse in the 1960s, stressed the issues of strategy and protection of political interests in the expansion of the empire. Most of this work focussed on questions concerning the nineteenth century but these debates raised important issues for other historians writing in the 1950s and early 1960s.

Blainey's argument proved to be controversial. It stood on more solid ground than Dallas's earlier attempt to argue that there were motives for the settlement of Australia other than 'dumping convicts'. The *Heads of a Plan* (1786), one of the important government documents of the period discussing the settlement and the arrangements for the First Fleet, did mention the issues of flax and timber on Norfolk Island and did not mention trade. Although these factors were not a major focus of the *Plan*, it was Blainey's view that their importance was recognised and did not need official acknowledgement or discussion. Like Dallas before him, Blainey stressed that documents did not reveal everything, and that, to discover what was both explicit and implicit in each piece of evidence, it had to be placed in its context.

Two of Blainey's most trenchant critics were Geoffrey Bolton and A.G.L. Shaw (whose views are reprinted in Martin, pp.91-104, 122-130, but it is not necessary for you to read them). Both had recently published books on British imperial policy, and Shaw's was directly concerned with Australia. They declared themselves unconvinced by the 'flax and timber' theory and reiterated the merits of the 'convict dumping' theory. Bolton attempted to show that 1786 was not a crisis year for supplies to the British navy, as Blainey had argued, and hence there was no pressing need for 'flax and timber' at this time. He concludes that the strategic motive 'is at best inconclusive'. Shaw, like Bolton, admitted that flax and timber were issues discussed at the time. However, Shaw argued that the Pacific was not seen as a prime source for supplies, and thus concluded that 'flax and timber' were not major considerations in the decision to settle Botany Bay.

As for the general matter of writing history, Bolton and Shaw argue that the documents have to bear the weight of the arguments, and that if they do not, then interesting speculations remain just that - speculations. Without explicit confirmations in the official sources, Blainey's views could only be seen as 'hunches', 'fruitful in raising questions to answer', but as Shaw declares 'we should not prefer theories to documentary evidence when the latter is available'.

Blainey made a number of spirited replies to his critics in defence of his theory. In these he stressed, again, the volume of documentary evidence that supported his case. In addition, he reiterated a number of points which he thought his critics had misunderstood. He argued that he had not denied that the 'dumping of convicts' was a prime reason for the search for a suitable colony. He contended, however, that the central question was: Why Botany Bay? Of course, there was abundant evidence about government schemes to send convicts to Botany Bay, but why did they choose this site when there were a number of suitable and less expensive alternatives, such as Bermuda. He argued that the 'convict dumping' theorists had failed to answer this question. He concluded that the 'dumping' and 'flax and timber' theories were not in conflict, as Shaw seemed to think, but in fact complemented each other. The first explained why British politicians were searching for a colony, and the second why they decided on Botany Bay as the most appropriate.

In the 1970s, Alan Frost added considerable weight to Blainey's theory. (His article is reprinted in Martin pp.210-228, but it is not necessary to read it). He undertook extensive research into the history of European involvement in the Pacific region. He modified Blainey's view by arguing that the flax and timber was indeed used to supply naval stores to British shipping in Indian waters. This modification undermined those critics who had disagreed with Blainey's argument that the Norfolk Island supplies were thought superior. Frost took the discussion away from the superiority of the supplies and argued, instead, that they were more convenient for British ships in ports far from Europe. He also uncovered previously unknown correspondence between the government and the East India Company which seemed to support the argument that commercial motives were important. This went part of the way to answering those critics who argued that there was little evidence for the commercial and the flax and timber theories. Despite the arguments of Frost, they were not considered conclusive and some historians continued to support the traditional penal colony view. We will now look at one of the more recent defences of the old view.

## 2.3 Convicts

Alan Atkinson published his article 'Whigs and Tories and Botany Bay' in 1976. At the time, he was completing his PhD on the Macarthur family and the politics of New South Wales. His central preoccupations were with the political history of the early colony. How important it is in his view is apparent in his contribution to the founding of Australia debate. His central focus is on the ideas of the two major political parties in late eighteenth-century British politics, the Tories (the conservatives led by William Pitt) and the Whigs (the reformers led by Charles Fox) and their part in formulating a colonial policy.

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Read Alan Atkinson, 'Whigs and Tories and Botany Bay' in Martin, pp.186-208. Now answer the following SAQ.

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SAQ 3

1. According to Atkinson, what are the main problems with existing discussions of the foundation of the colony?
2. Why was the interest in flax and timber at Botany Bay only temporary?
3. What commercial interests was the Pitt Government trying to protect?

Atkinson's article was a detailed examination of the development of government policy regarding Botany Bay. From official correspondence and contemporary newspaper reports, he constructs a picture of conflict, indecision, justifications and counter-justifications without any clear articulation of government priorities. He points to the different groups who were lobbying the government and the frequent changes in policy emphasis in the official correspondence. If there was any single determinant on the development of government policy, according to Atkinson, it was the desire to protect the monopoly of the East India Company, not to open up the trade routes. He concludes that there was no long-term strategy: the colony was settled in haste to clear up the embarrassing problem of the convicts. This led to his argument that the 'Botany Bay scheme' was an 'exercise in narrow conservatism'.

Atkinson argues a strong case based on a critique of how other historians have used the evidence. He suggests that documents canvass a wide variety of official and semi-official opinion. Therefore, it is possible to refer to any of the documents to support any of the theories concerning the settlement of Botany Bay. But Atkinson also makes a more important historiographical point. The historians who have used the documents have taken them out of the historical context in which they were produced: the relevant context is not the wider development of British trade and commerce, as Dallas and Blainey had argued, but the narrow context of cabinet government in the 1780s. It was the politicians who made the decision; to understand their motives, the historian should therefore examine the structure of politics in the period, and the direct and immediate influences on political decision making. If this was done, then the answer, according to Atkinson, was that there were no long-term aims, strategies or wider policy considerations in the decision to settle Botany Bay.

By the 1970s, the founding of Australia debate had developed its own momentum. It was one of the most publicised historiographical controversies and scholars who happened upon new evidence, or thought they had a better interpretation, were anxious to make their contribution. Atkinson was responding directly to this debate and sought to provide a more sophisticated defence of the traditional argument. None the less, proponents of the alternative theories, such as Frost and Martin, argued that Atkinson had taken an unduly narrow view and that the connections between particular pieces of correspondence were by no means proven.

In conclusion, it is possible to see the founding of Australia debate as a series of arguments by historians with fixed assumptions about historical interpretation and methodology. Although much of the debate falls back on the issue of lack of evidence, it is extremely unlikely that more evidence would resolve the debate. This is because all the historians made particular assumptions about the relevant context in which to place the government decision. These historians made their own assessments about the relative significance of different pieces of evidence. These decisions were influenced by the historians' theories of historical causation, not by the evidence itself. The historians brought their own conceptions to bear on the evidence and this influenced their reading and assessment of the documents.

The founding of Australia debate illustrates other historiographical issues, in particular, the significance of written documents as evidence. Shaw and Bolton take a narrow or strict view of the usefulness of evidence, and stress that the historian can only base his or her interpretation on the extant evidence. They assume that the relevant facts are contained in the documents and can be read directly from the evidence. Dallas and Blainey, however, while not disputing the importance of documentary evidence, argue that the evidence has to be placed in a wider context before its significance can be appreciated. Thus, they go beyond the documents and suggest that important developments might not necessarily be explicit in them. This issue of evidence and its use, which is at the heart of the founding of Australia debate, is a methodological problem that has been debated by historians in many areas.

# 3 VILLAGE HAMPDENS OR CRIMINALS?

In Course HP07a, *Penal Colony 1*, we examined a broad range of official and middle-class opinion concerning the character of the convicts. With few exceptions, the general consensus of most soldiers, sailors, clergy, free settlers, administrators, officials and visitors was that the convicts were morally depraved, rogues and knaves. In addition, many thought that the female convicts were worse than the males. We will examine the historiography of the female convicts in section 5 of this course. Here, we are concerned with the more general attitudes to the convicts, mostly male convicts, and how historians have used these views in constructing their own interpretations of their character. We will also examine why the dominant depiction of the convicts changed so dramatically between the 1920s and the 1950s.

The attitude of loathing and contempt for the convicts has a long history amongst the middle classes in Australia. Throughout the second half of the nineteenth century, the fear of the 'hated stain' was an important influence on the development of social policies by colonial governments. For many people of the time, to have had convict ancestors was a point of shame not pride. The general feeling was that the convicts had been members of the lowest classes of England, genuine criminals and with few exceptions 'depraved' and 'dissolute'.

There were few critical voices in this chorus of opinion until the late nineteenth century. By the 1880s and 1890s, however, there were some writers prepared to criticise the convict system and emphasise the horrors of the penal colonies. Two of the notable exponents of this tradition were Price Warung, in his stories published in the *Bulletin*, and Marcus Clarke, in his novel *For the Term of His Natural Life*. Their impression is of brutal soldiers, corrupt officials and slave-driving masters. Even so, Clarke's hero, Rufus Dawes, may have been a convict, but he was an innocent one from a good family. He stands in marked contrast to many of his fellow convicts whom Clarke depicts in a far from flattering light. Suspicion of the character of the convicts retained a strong hold over public opinion.

The bush labourers may not have agreed with this depiction of the convicts. According to Russel Ward (you remember him!), emancipated convicts who became labourers incorporated their anti-authoritarian attitudes into the general popular culture of the bush workers. Even if this was so, by the late nineteenth century, such attitudes were held by bush workers, not convicts or even ex-convicts. Vestiges of convict culture may have been integrated into this culture, but in the process they had been transformed into the ethos of the workers. The proponents of the 'bush myth' did not try to revive the convict past, their concern was the bush itself and with the transformation of the 'bush myth' into a national image in the early twentieth century. The contribution of the convicts all but disappeared.

In 1921, however, George Arnold Wood, professor of history at the University of Sydney, presented a paper to the Royal Australian Historical Society, published in the following year in the society's journal. It was a major argument against the prevailing picture of the character of the convicts. He recognised that popular notions of the convicts as rogues and villains had become deeply ingrained in middle-class culture but they contradicted his understanding of the founding and growth of Australian society. He attempted to place the transportation of the convicts within the wider context of English society at that time as a means of understanding whether the contempt for the convicts held by many people was really warranted. The essential points of Wood's argument are contained in reading 1.

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Read George Arnold Wood, 'Introduction to convicts' (excerpts), reading 1. Now complete the following SAQ.

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### SAQ 4

1. According to Wood, who were the greatest English criminals?
2. Wood did not consider the convicts sent to Australia to be the worst offenders Why?
3. Wood quotes the views of Governor Macquarie and Governor Brisbane. What do you think some of the problems might be in using such testimony?

Wood's article was a controversial one. The secretary of the Royal Australian Historical Society asked him if he would reconsider his views in the light of the numerous criticisms that had been levelled at his paper when first presented. Wood refused, but added a postscript to the published article admitting that he had deliberately argued his case strongly to counteract received opinion and that he had not wished to imply that every aristocrat in England was corrupt; some were, in fact, 'good people'. Nevertheless, he stood by his central arguments. Our question now is why Wood saw fit to argue such a case.

We might begin to provide some answers to this question by examining the personal and intellectual history of George Arnold Wood. He was born in 1865, graduated from Manchester University and in 1891, at the age of 26 years, was appointed Challis Professor of History at Sydney University. Controversy marked his early years at Sydney, particularly because of his public opposition to the Boer War (1899-1903). His speeches on the issue earned him a rebuke from the University Senate, and his advocacy of his right to free speech placed his position in jeopardy. Throughout his career, he retained a reputation for being a 'bit of a rebel', the title of his biography by a former student, R.M. Crawford.

Wood was a liberal, in the nineteenth-century British tradition of belief in free speech, democracy, social progress, and faith in legal institutions to ensure social harmony. History was seen as an essential part of the liberal education for English gentlemen and a means of training better citizens. For Wood and his contemporaries, history was a means of illustrating what was best in human nature and society. In this schema, the facts of history had to be established and then moral judgements could be made as to which people in the past had pursued noble sentiments, advanced civilisation or been the victims of morally corrupt forces. Throughout Wood's article, the strong sense of moral judgement will be apparent to you, and while this may seem strange to us now, it was a common mode of historical writing for the time.

One important aspect of Wood's liberalism was his commitment to notions of environmentalism and reform. This was not environmentalism as we know it today, in the sense of protecting nature. Rather, it was the foundation of a social philosophy about the nature of humans and human society. The central proponents of this philosophy included Jeremy Bentham, James Mill and his son, John Stuart Mill, men whose ideas dominated British utilitarian and liberal thought throughout the nineteenth century. In this view, people were born with no specific mental capacities or ideas. Each individual subsequently absorbed sense impressions from the surrounding environment, formed ideas, associated them with other ideas and gradually developed more complex mental configurations such as morality. In other words, it was the environment - moral, social and physical - which was the crucial determinant of the nature of human beings; change the environment and you could change the individual. These were the sorts of ideas that, in the early nineteenth century, motivated advocates of the penitentiary to oppose transportation.

These assumptions were central to Wood's perception of the convicts. If they had broken the law, it was the surrounding environment which had shaped their actions. For Wood, it was the aristocracy who were to blame for the moral decay in Britain that led some people to commit crimes. It was the aristocracy, and the social system they created that forced people to resist. Similarly, it was because people resisted them that the aristocracy resorted to harsh criminal laws, and transportation, as a means of defeating those who opposed them. These views are apparent in Wood's postscript to his article in which he argues:

> The virtue of England was not in the aristocracy, but in the *resistance* to the aristocracy... I named several classes of *resisters*, whose fight was in the end to prevail, and to make the England of our time an incomparably better and greater England... There were the Methodists... the humanitarians... political reformers, social reformers, Irish reformers... They fought the aristocrats... (R1:4-5)

When we look past the rhetoric of his claims, it is clear who, for Wood, are the heroes and who are the villains in English history. The late eighteenth and early nineteenth centuries saw the struggle of the new middle classes against aristocratic privilege and institutions (sometimes called the bourgeois revolution); this, for Wood, was a pivotal period in history. It led to the creation of more democratic rights, an extension of the vote to the propertied middle classes in the 1832 Reform Act, and the triumph of liberal, humanitarian ideals in English government and society. This was a victory for 'moral' good over 'corruption'.

It is possible to see many of these assumptions at work in the construction of Wood's argument. His stress on the corruption of the aristocracy allows him to claim that the sins of the convicts paled in comparison. None the less, the private philosophical assumptions of historians cannot provide a complete answer to the question of why they interpret the sources in particular ways. This becomes apparent when we examine Wood's views more closely. A number of questions appear to be relevant here, such as: Why did he wait till 1922 to publish his ideas? Why was the character of the convicts an important focus of study? To answer them, we have to consider the wider context in which Wood was writing and the developments that influenced him. A number of issues are relevant.

The opening paragraphs of the Wood reading point to one of his major concerns. The central question for him is how did a society, founded as a convict colony, emerge as a strong and vigorous democracy - this is, he says, a shining example for the optimistic view of human nature. This question was all the more significant for being posed in post World War I Australia. From your work in Course HP01a, *Defining Australia*, you will recall the significance of the journalist and historian, C.E.W. Bean in the development and propagation of the 'digger' image, which in turn was an extension of the older 'bushman' image. For Wood, and others of the time, an important question was how this blossoming of manhood arose from a society of supposed criminals. We are not concerned here with the truth or otherwise of the 'digger' image, but with the impact of the image on Australians.

This was a vital question for Wood because of the prevailing notions concerning criminality in the early twentieth century. Criminologists argued that the tendency to commit crime was hereditary; this ran counter to all Wood's arguments concerning the character of the convicts. It is worth examining the dominant, criminological theories of the time in a little more detail to show their impact on Wood's views.

Since the late nineteenth century, studies undertaken by important European criminologists, such as the Italian, Cesare Lombroso, the Austrian, Hans Gross and the Englishman, Havelock Ellis, had suggested that criminality was an hereditary phenomenon. The first and most influential of these studies was that of Lombroso, who made inspections of prisoners in a number of European gaols. In his view, prisoners exhibited a number of marked physical anomalies such as sloping foreheads, deep-set eyes, anthropoid noses and specific skull sizes. He began to measure the skulls of prisoners and argued that there were definite types corresponding to specific crimes. He found that the more severe the offence, the more marked the physically regressive features in the offender. For Lombroso, and others who used the anthropometric method (skull measurement), definite criminal types could be identified, even among those who had not 'yet' committed a crime.

This new research in the area of criminology reflected wider shifts in middle-class views concerning social policy and progress. The optimistic social Darwinism of many liberal intellectuals had influenced them to believe that society would naturally evolve, with minimum state interference, to higher levels of civilisation. By the late nineteenth century, the persistence of social problems such as crime, poverty, drunkenness, prostitution and insanity, combined with a growth in concern about unemployment, led many to reappraise the old assumptions. A number of intellectuals began to argue that social evolution was not a natural progression, but had to be created by active intervention to ensure progress. Although they had no knowledge of the operation of genetics, research into the causes of crime, poverty and insanity convinced many intellectuals that hereditary factors were the prime cause of these problems. They based their arguments on the fact that these problems seemed to predominate amongst particular social groups.

A number of consequences flowed from these developments. There was more active support for new social policies to counteract the threat of hereditary social problems. Some intellectuals argued that hereditarily 'unfit' people were breeding faster than 'healthy' people and that this was the major threat to progress. These intellectuals became known as eugenicists, and advocated such policies as segregation or sterilisation of the 'unfit' to prevent them from reproducing. In the 1920s and 1930s, a number of American states introduced sterilisation legislation. New emphasis was placed on research into crime, insanity and hereditary defects; universities began to finance this research and new departments were created to this end. From the beginning of the century to World War II, concern with the consequences of hereditary defects exerted a powerful influence over much intellectual work in Western countries.

There was, however, an alternative context of debate about social policy which was specific to Australia. In the late nineteenth and early twentieth centuries, a number of intellectuals argued that Australia was the 'social laboratory of the world'. They argued that Australia, as a 'new' and economically expanding society, had escaped many of the endemic social problems of poverty, crime and insanity that afflicted 'older' societies like Britain. On this basis, they successfully urged the introduction of new social policies such as pensions, the family wage and maternity benefits as a means of further ensuring the social progress of Australia.

Such arguments ran counter to the claims of eugenicists. If the latter were correct then Australia, with its convict beginnings, should have been one of the countries most afflicted by the problems of crime, poverty and insanity. Yet, this did not seem to be the case. Such a contradiction was sharpened by the digger image which depicted the working-class soldiers as the ideal of Australian manhood, not the bearers of hereditary criminality. In this situation, Wood came to an obvious conclusion - the original convicts had not been 'real criminals'.

There were other influences on the work of Wood, but these were more specific. They were recent developments in the history of the Industrial Revolution. Foremost amongst these was the work of John and Barbara Hammond, on the growth and development of working-class culture in late eighteenth-century and early nineteenth-century Britain. Their famous trilogy, *The Village Labourer* (1911), *The Town Labourer* (1917) and *The Skilled Labourer* (1919), was a major breakthrough in the history of the Industrial Revolution, because each book focussed on the experience of the people subject to the social upheavals of the time, rather than on the growth of factories, changes in the economy or the new machines.

The Hammonds belonged to a group of radical 'new liberals' in England who debated the best means of improving social policy and ensuring progress through enlightened legislation. This group was termed 'new liberal' because they defined themselves in opposition to some of the basic tenets of nineteenth-century liberalism. The classical liberal tradition had stressed the freedom of the individual, and the state would only intervene in society sufficiently to ensure the protection of individual rights. The other side of this tradition was laissez-faire economic policy (of the sort advocated by Adam Smith) in which the free market worked in the best interests of all. 'New liberals', however, while believing in individual freedom and social progress, no longer considered the operation of the free market or minimal state intervention a sufficient guarantee of social progress. They argued that to ensure progress the state had to intervene actively in areas of social policy such as education, pensions, the regulation of labour and the rights of women. To them, the operation of the free market led to the exploitation of labour and the creation of entrenched conservative political interest groups. They believed that the liberal middle classes should act as leaders and educators of public opinion to ensure that legislation benefited all of society. Their basic political principles were closely aligned to those of Wood, and it does not seem surprising that he was attracted to the interpretation of English history advanced by the Hammonds.

The Hammonds's histories focussed on the effect of industrialisation on English social life. In this, they presented one of the first histories 'from below'. To them, the period of the late eighteenth and early nineteenth centuries was one of civil war; a war between the interests of the aristocracy and yeoman classes who sought to enclose land, and the commoners who sought to retain traditional village social life. They characterised village life as a hierarchical system, but with some social mobility, where individuals enjoyed a high degree of independence. The enclosing classes on the other hand are characterised as dictators, ruthlessly destroying traditional rural social groups such as the small farmer, the cottager and the squatter. The result was a polarised society where 'rich and poor were thus growing further and further apart'. What distinguished the work of the Hammonds was their sympathetic representation of the poor. Later historians have criticised the Hammonds's romantic conception of pre-industrial England, but their stress on the destructive role of the enclosing classes undoubtedly had a profound effect on the work of Wood.

The work of the Hammonds, and of Wood, occurred within a context of major historical changes. The rise of the Labour movement in Britain and Australia in the late nineteenth century gave institutional voice to the struggles of workers. Sympathetic liberals, like the Hammonds and Wood, retained allegiance to the view that it was the educated, liberal middle classes that should provide the leadership in the struggle for social reforms to benefit all social classes and create a more harmonious, equitable social system. In their political philosophy, history played an important part in their representation of the past as a conflict between aristocrat and labourer; this conflict could only be resolved by the intervention of the liberal middle classes who could arbitrate between these extremes and create a harmonious and progressive social order.

This conception of the past, and the political philosophy that it represented, would be disputed by many writers from different persuasions. What is important for us to note is that Wood was not an isolated individual but a product of a particular intellectual, social and political context. In this respect, we have examined a number of important influences on the work of Wood. These include radical liberalism, the historical scholarship of the Hammonds and contemporary theories of criminology.

At this point, it will be useful to return to the work of Wood, and examine it more closely, bearing in mind the context in which it was written.

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Read George Arnold Wood, 'Villagers and aristocracy' (excerpt), reading 2. Now answer the following SAQ.

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SAQ 5

1. Wood argues that there were three main groups of 'good' convicts. What were they?
2. Wood says that another group of convicts were thieves, or immoral, but why does he not see this as an obstacle to his argument?

From this reading, the direct influence of the work of the Hammonds on Wood's argument is obvious. Not only does he refer to their work, but his depiction of cruel landlords and struggling villagers (innocent village Hampdens) is very similar to that of the Hammonds. Wood's use of the Hammonds's term, village Hampdens, indicates his sympathy for the struggle of the villagers. Hampden, taken from Gray's *Elegy Written in a Country Churchyard*, means a local hero and rebel against authority. The other features of Wood's context that we have discussed are not so obvious in the article itself. Rather, they operate at a more general level, influencing the formulation of Wood's questions, or encouraging him to explore some questions and not others. Similarly, they influence his interpretation and use of evidence, making a foundation for his ideas and arguments.

Wood's article influenced a number of historians in their interpretation of the convicts and of transportation. Some, like the Marxist historian Brian Fitzpatrick who wrote in the 1930s and 1940s were favourably disposed to an interpretation which focussed on the horrors of the enclosure system and the corruption of the aristocracy. Others such as the Catholic historian of the 1930s, Eris O'Brien, were also influenced by Wood's arguments. While not being as vigorous a critic of the aristocracy as Wood, O'Brien was careful to stress the part played by enclosures, poverty and the factory system in leading many to a life of crime. By the 1930s and 1940s, Wood's stress on the social system and his shifting of the blame away from the convicts had become an orthodox view for many Australian historians. However, as we will see in the next section, other historians, influenced by a different social, political and intellectual context, arrived at very different conclusions from those of Wood.

### 3.2 Professional criminals

In May 1951, Manning Clark, then professor of history at Canberra University College (later to become the Australian National University), delivered a paper on the 'Origins of the convicts' to the ANZAAS (Australia and New Zealand Association for the Advancement of Science) Conference in Brisbane. In this paper, he strongly criticised the established interpretations of the character of the convicts and, although he did not name Wood directly, he was referring to the tradition established by Wood's 1922 article. A few years later, in 1956, Clark published his paper in *Historical Studies*, the main professional journal for historians in Australian universities. Clark's disquiet with the traditional view is apparent from his introduction to the article.

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Read Manning Clark, 'Introduction to the origins of the convicts' (excerpt), reading 3. Now answer the following SAQ.

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SAQ 6

1. According to Clark, what is wrong with some of the established methods of discussing the origin of the convicts?
2. What factors led to the propagation of the traditional views, according to Clark?

Clark's dissatisfaction with the prevailing depiction of the convicts stemmed from two sources. Firstly, he argued that some viewpoints were not comprehensive enough. These historians focussed on a narrow sample of convicts, or concentrated on one particular group of convicts, and then tried to draw general conclusions about the character of all convicts. This was an inevitably flawed methodology, in Clark's view, and one producing inaccuracies. The second

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approach, while more comprehensive than the first, was equally flawed by methodological error, according to Clark. This latter group of historians of the transportation system took sides with those men 'with an interest in its condemnation'. In other words, Clark accused them of having a vested interest, a political commitment to a position, which influenced their opinion of the convict system. Thus, their opinions were formed before the evidence was examined, leading them to select evidence to suit their case.

These were trenchant criticisms, and particularly important ones in view of Clark's intention of providing a more thorough characterisation of the convicts. These criticisms also point to Clark's assumptions about the writing of history. He argued that there were facts, neutral and value-free, which could be discovered if the historian put aside his or her personal prejudices. This is sometimes called an empiricist assumption. But you will recall from Courses HP02b, *Urban Australia* and HP07a, *Penal Colony 1*, that the use of evidence is more complicated than this; it is beset by problems of selection and interpretation which make the notion of a realm of facts untainted by social philosophy or political commitment problematical. After all, if the facts are so easily established, why do writers keep arguing with each other? Clark recognised these problems of interpretation but maintained that a more accurate representation of the convicts was possible if the evidence was looked at anew.

Clark's stress on the importance of looking at the facts is the lynch-pin of his argument. In order to understand better the force of his critique, we need to place Clark in the context of the history profession in the early post World War II period. A significant element of this context was the emergent professionalisation of historians. In the late nineteenth and early twentieth centuries, university history departments had been very small. George Arnold Wood, as professor of history, had done all the history teaching at Sydney University; there he trained the sons (few daughters) of the professional, business and propertied classes. In his courses, Australian history was only a minor theme in the wider development of the history of the British Empire. Often, historical research was the province of enthusiastic amateurs such as those in the Royal Australian Historical Society. History was seen as a subject and a practice accessible to any educated person.

In the 1920s and 1930s, however, a number of historians began to place greater stress on the particular methodologies and practices distinctive to the writing of history. Greater emphasis was placed on the use of primary sources, and precise examination to ensure their accuracy and authenticity. Foremost proponents of this were Ernest Scott, professor of history at Melbourne University (1914-1936) and his successor, R.M. Crawford (1937-1969). Crawford, in particular, attempted to discuss the philosophy of history in a more complex fashion, stressing the role of history as a science where facts became accessible through particular conceptual frameworks. In other words, history was a specific intellectual training not easily developed by amateurs and one that required a university training. It was in the interwar years that history departments began to expand as more members of staff were appointed to teach a range of subject areas. Some historians, notably Crawford, considered that Australian history was now a subject worthy of study in its own right.

This emerging professionalism was formalised more fully by R.M. Crawford when in 1940 he was instrumental in the establishment of the major professional journal, *Historical Studies: Australia and New Zealand*. This provided a forum for academics in Australasia to publish research work, review and criticise the work of their fellow historians and to debate the theories and methods of history. In the postwar period, the profession began to expand along with the whole university system. Plans were laid for the establishment of new universities in Melbourne (Monash) and Sydney (University of N.S.W.), as well as the new Canberra University College, which was initially a subsidiary college of the University of Melbourne. This was the era of postwar prosperity and the development of what Craig McGregor (Course HP02b, *Urban Australia)* termed the white-collar image of Australia.

In this atmosphere of growth and development, some historians emphasised the importance of a sound professional approach to history, to be undertaken by experts. This was particularly so in the field of Australian history which had been little studied in the past. Although historians recognised that there were difficulties in being completely objective when interpreting sources, the polemical moralising that had characterised Wood's article was discouraged in favour of more 'sober' assessments after the facts had been assembled. The postwar period, then, was one of general reappraisal of the methods and approaches of historians and reassessment of past interpretations.

In the 1940s and 1950s, Manning Clark emerged as one of the foremost reappraisers of Australia's past. You have already read one of his earliest articles 'A letter to Tom Collins' (1943) in Course HP01a, *Defining Australia*, where he expressed his doubts about the virtues of the radical nationalist tradition of the 1890s. In the 1950s, he published other important articles, such as 'Re-writing Australian history' (1954), where he argued that the conventional interpretations of Australia's past had to be dispensed with; the purpose of the historian was to put forward new ideas for a new generation. In the era of postwar prosperity and social change, it was time to make the study of history relevant to the new Australia.

Two traditional interpretations of Australian society were the subject of particular criticism by Clark. The first was the view that Australia was a culturally barbaric society, uniform, conformist, materialistic and mediocre. In contrast, Clark argued that Australia was a site of ideological conflict, where the great ideas and movements that convulsed Europe were fought out in a different context. In other words, one could gain insight into the nature and moral dilemmas of mankind by studying Australian society, as one could from studying other cultures.

The second major tradition challenged by Clark was the belief that Australia was an egalitarian and democratic society and that the progressive forces which had fostered this development included the labour movement and the radical nationalists who wrote for the *Bulletin* in the 1880s and 1890s. Instead, Clark argued that the nationalist tradition was xenophobic and racist, and that it was not the labour movement but middle-class reformers who had been the prime force for progress in Australia.

There was a third ideal that Clark contested and this was the one that we are concerned with: the character of the convicts. In order to grasp better the reasons for Clark's critiques, we can first place him in the context of his intellectual development.

Manning Clark was born in Sydney in 1915, the second son of a devout Anglican family. His father was an Anglican clergyman and in the early 1920s the family moved to Phillip Island, near Melbourne. The Clark family, though of humble circumstances, were descended from some of the most powerful families in the early colony. On his maternal side, Clark was descended from important sections of the colonial gentry, and could even trace his ancestry back to Samuel Marsden. He was educated at Melbourne Grammar and entered Melbourne University in 1934, where he studied under a number of historians, notably R.M. Crawford. He graduated with first class honours in history in 1937, and then studied at Balliol College at Oxford University. He returned to Australia in 1940 and took up a position as history teacher (and cricket coach) at Geelong Grammar School, while writing an MA thesis on the French political philosopher of the mid nineteenth century, Alexis de Tocqueville. In 1944, he was appointed as lecturer in political science at Melbourne University and two years later, lecturer in history. In 1949, he became professor of history at Canberra University College.

According to Clark's biographer Stephen Holt (1982) there were a number of important influences on the intellectual development of Manning Clark. Three of the most important were Christianity, Marxism and Freudianism. Despite his early loss of faith, the impact of his strict Anglican upbringing is apparent in his concern with virtue, morality, human failing and discovering the meaning of human actions. In the 1930s, at Melbourne University, he was attracted to the young university radicals who debated the merits of socialism. In the context of world depression and the growth of fascism, Clark, like many of his contemporaries, sought radical answers to human and social problems. His interest in Freudianism was partly a result of his enthusiasm for the novels of D.H. Lawrence, Dostoyevesky and Tolstoy. His concern was with deeper, unconscious, psychological conflicts that motivated human action.

In the war and postwar years, Clark became disillusioned with traditional radical and socialist descriptions of Australia and their associated solutions for social problems. The rise of Nazism influenced his view of human behaviour as fundamentally motivated by irrational feelings. This undermined his belief that a rational socialist programme for social change could occur and led him instead to a sceptical and pessimistic outlook.

The events of the late 1940s and 1950s further pushed Clark away from acceptance of the traditional solutions of radicals. The rise of the Liberal Party under Menzies and the vote of the electorate for the conservative party, the Cold War era of anti-communism, the Korean War, the Petrov affair, and the postwar prosperity all undermined his faith in the image of Australians as democratic, egalitarian and anti-authoritarian. These perceptions were tied to his alienation from mainstream political activity; it was impossible for Clark to support the Labor Party, which was built upon images of the working class influenced by radical nationalism.

In these circumstances, Clark became convinced of the need to reassess some of the basic traditions in Australian history. As already indicated, one of his basic critiques was directed against radical nationalism, a term that will be familiar to you from Course HP04b, *Literary Studies*. There is also a tradition of radical nationalist history, which we will examine more closely in section 4.1 of this study guide. The basis of Clark's objection to radical nationalism was his view that the Australian working class was not the naturally radical/socialist class depicted by the radical nationalists. For Clark, the radical nationalist histories glorified the struggles of one social group, whereas he was convinced that the struggle was far from heroic - rather it was a tale of corruption, compromise and submission to middle-class values. Clark hoped to examine the ideas and actions of different classes and in the process explore the conflicts within and between these people who signified the moral dilemmas of the wider society.

Our task here is not to accept or reject Manning Clark's interpretation of Australia's past or his criticism of the writing of Australian history. Rather, we have noted some factors which influenced Clark to attempt a reassessment of the convict period. At this point, it is possible for us to return to Clark's writings on the convicts and look at his new interpretation.

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Read Manning Clark, 'The origins of the convicts' (excerpts), reading 4. Now answer the following SAQ.

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SAQ 7

1. In Clark's view, what is wrong with focussing on the convicts in the First Fleet?
2. In what ways do Clark's and Wood's views of the convicts differ?
3. What was distinctive about the Irish convicts?

Clark's criticism of Wood's arguments have a solid basis in the evidence. Wood relied on descriptions of convicts of the First Fleet and placed considerable stress on the resisters to oppression. Clark, by examining the indents of the convict ships, presented a more accurate description of the social characteristics of the majority of the convicts. Nevertheless, you will remember that Wood did have a category termed 'moral convicts' who more closely approximated Clark's 'professional criminal'; the difference between them lay in Wood's willingness to use these convicts to show the corruption of the system which forced them to such actions. For Clark, the essential point was not why they lapsed into crime but the fact that, once in the situation, they became criminals and hence could no longer be seen as innocent victims.

Manning Clark's interpretation of the origin of the convicts had considerable impact on later research into the convict period. Although Clark had proposed a number of suggestive insights into the social characteristics of the convict population, his sample of ship indents was small, and the question remained as to whether future research would confirm or modify Clark's interpretation. The post-war expansion in universities meant an increase in higher degree research. A generation of research students in Australian history, in the late 1950s and early 1960s, provided the means for detailed investigations into many areas of historical inquiry. In this context, Clark's speculations provided scope for further research into the convicts. One student to take up this task was Lloyd Robson, whose PhD thesis on the convicts was published in 1965.

Robson was a graduate of the University of Tasmania, and probably developed an early interest in the convict origins of Australia from his days as a student in the ex-convict colony: the material remains at sites like Port Arthur, were a constant reminder to Tasmanians of their past. After graduation, Robson began his PhD research at the University of Melbourne's History Department, which, under Crawford, was seen as the premier history school in Australia. Writing in the early 1960s, Robson set himself the task of providing the 'facts' about the convict origins.

Robson emerged as one of the foremost proponents of empiricism. He argued that the 'facts' could be isolated, free of any theoretical or conceptual methods, and that these had to be established before any speculation as to their meaning could take place. You will recall, however, from your work in Courses HP02b, *Urban Australia,* HP05b, *Work in Australia* and HP07a, *Penal Colony 1,* that the establishment of a realm of facts, neutral and value free, involves a number of theoretical problems. The process of selection of relevant facts, and their interpretation, are steps which are informed by some underlying criteria of significance which presuppose some form of theory of how people act in particular social and historical contexts.

Regardless of these problems, which we will examine in a short while, it is instructive to look at how Robson set about discovering the origin of the convicts. He decided to take a random sample of one convict in every twenty transported to Australia from the 1780s to the 1850s. By examining the convict indents, much as Clark had done but in a more systematic fashion, he was able to determine the sex, age, occupation, place of trial, and previous criminal records of a large number of the convicts sent to the Australian colonies.

From his research, he came to a number of general conclusions about the character of those transported. These conclusions can be seen in the next reading.

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Read Lloyd Robson, 'Convict settlers', reading 5. Now answer the following SAQ.

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SAQ 8

1. According to Robson, what was the character of the majority of persons transported to Australia?

2. What were the causes of crime in Britain, in Robson's view?

You will have recognised that, in his basic conclusions, Robson's interpretation was similar to that of Clark's. It is here that we can return to the issue of Robson's methodology. Although he accumulated a great deal of quantitative evidence, he does embark on some speculation as to its significance. He has established that many of the convicts came from towns, and that a high proportion of these had more than one conviction. This forms the basis for his speculation that the convicts, on the whole, were urban 'ne'er-do-wells', yet such a conclusion doesn't naturally flow from the evidence. In the end, Robson resorts to other, qualitative, evidence to support his speculations.

Two factors influence Robson to argue that the convicts were urban, professional criminals. Firstly, he refers to many contemporary sources which express the attitudes of officials, judges, police and middle-class social reformers. As we have seen in the previous course, HP07a, *Penal Colony 1*, such sources are produced in a context of cultural conflict. Working-class social customs which contravened those of the British middle classes were continually condemned on the score of 'moral depravity'. Yet these social mores had their own meaning and value for the working classes of Britain. A culture built on the foundation of prostitution, alcohol and stealing/receiving networks was one means of survival and protest in a context of poorly paid work options, high unemployment, little welfare and slum housing. Robson, and also Clark, have in effect selected the attitudes of one class towards another as an adequate representation of the character of the convicts. Such an enterprise is fraught with interpretive problems. They do not pose the issue of how the majority of the working-class urban dwellers of London pictured themselves, and the few convict case studies they use cannot be scrutinised to ascertain whether the convict was saying something to the judge to gain the sympathy of the court.

The second factor which influences Robson's interpretation is modern criminology. In the 1950s and 1960s, criminologists had generally abandoned the old anthropometric theories like those of Lombroso noted earlier (section 3.1). Instead, the impact of psychiatry in the field of criminology and delinquency studies led to a focus on the psychopathic nature of criminality. In other words, emphasis was placed on the psychological factors in the genesis of crime. These factors could include a deprived childhood, lack of parental affection, bad toilet training, sexual maladjustment or a range of other childhood and adolescent traumas. Our aim here is not to confirm or deny these theories, but rather to see their part in influencing the interpretation of Robson. In the context of the 1960s, Robson turned to the theories of criminality that were available to him, and these, in turn, were formed by their historical context. The result was that, once he felt that the facts pointed to the criminal nature of the convicts, he was convinced that this was a product of their individual psychological problems. Thus, he rejected theories which argue that poverty and unemployment generate criminal actions.

There is abundant evidence to support both the psychological and the economic theories of criminality. Proponents of both draw on a range of evidence to support their case. The issue is not resolved and, as you will see in Course HP08b, *Disciplines*, particular disciplines operate to perpetuate basic assumptions and to exclude questions, evidence and interpretations that oppose their disciplinary principles. None the less, we can say that Robson and Clark have chosen one side in a particular debate and that these choices have influenced their interpretation of the nature of the convicts. We can also see that Wood has made a similar choice, but this placed him in an interpretative tradition opposed to that of Robson and Clark.

Clark, Robson and other historians like A.G.L. Shaw, who advanced similar interpretations, have provided important information on the social characteristics of the convicts transported; their evidence undermines any simplistic adherence to an interpretation like Wood's which does not take into account the full complexity of the social circumstances of the convicts. Clark and Robson's view that previous understandings were grounded in an inadequate basis seems valid; it justifies their conclusion that these interpretations were based on commitments to particular political viewpoints that influenced the interpretation. Nevertheless, if we examine the work of Clark and Robson closely, it is clear that they have not rested content to give 'the facts' but have drawn conclusions from the evidence, and argued a case in opposition to previous interpretations. Like Wood, their arguments are equally grounded in theoretical and political assumptions.

In placing Clark and Robson's work in the historical context of the 1950s and 1960s, we can also see that they have been influenced by wider political and theoretical debates. Disillusion with radical nationalism and specific theories of criminology all played a part in the depiction of the convicts as professional criminals and urban 'ne'er-do-wells'. The views of Clark and Robson are influenced by a particular theory of criminality which has not been conclusively proven and has been criticised by some favouring different theories.

Nevertheless, the work of Clark, Robson and others such as Shaw has become the orthodox interpretation of the character of the convicts. Subsequent historians have perpetuated these views with little concern to investigate the evidence further. For example, one historian, A.T. Yarwood, in a book review in 1980, summed up the now standard view of the convicts as 'violent, cruel, criminal men and women'; another historian, Brian Fletcher has argued that:

> the convicts were less the victims of society than

> its sweepings. Far from being political offenders or starving poor, who had been driven by desperation to commit minor offences in an effort to survive, they were mostly urban 'ne'er-do-wells' who chose crime in preference to any other occupation. (1976, pp.161-62)

These historians have rightly warned against attempts to romanticise the convicts, but in their desire to avoid this fault they have turned again to the attitudes of the officials, clergy, settlers and visitors who condemned the convicts as 'morally depraved'. Clark may have been right to say that Wood sided with the opponents of transportation but he and others in turn have sided with those who opposed the emancipation of convicts. Where Wood sided with Macquarie, Clark, Robson and Shaw have sided with Bigge and others.

In the previous course, HP07a, *Penal Colony 1*, it was suggested that the culture of the convicts was more cohesive and coherent in the context of late eighteenth-century and early nineteenth-century Britain and Australia than many commentators have depicted. Clark and Robson have relied on psychological concepts which presuppose that criminality is moral deviancy, the province of a small subculture of disturbed individuals. However, in the previous course, it was argued that the urban culture from which the convicts originated was based on the political economy of theft, receiving, pick-pocketing, alcohol and prostitution. It was the normal not the deviant means of survival for a large class of people and the convicts were only a small number of this class. This is not dissimilar to the view of Clark and Robson. The difference lies in the conclusion drawn from such evidence. Clark and Robson see this as a point for moral condemnation and testament to character, whereas in Course HP07a, *Penal Colony 1*, this was viewed as evidence of a culture, with its own laws, values, mores and customs. Rather than using the culture as an opportunity for moralising, historians need to examine the context in which such a culture could emerge.

As yet, the appropriate research into the culture of the urban British working class has not been fully explored. Without such research, historians in Australia have been reluctant to criticise the interpretations of Clark, Robson and Shaw, and for that reason, they remain the dominant interpretative tradition. A few social historians, such as Alan Atkinson (whose work you read in Course HP07a, *Penal Colony 1*), have begun to raise doubts about some aspects of the dominant tradition. Their work suggests that the growing emphasis on 'history from below' may provide the context for a new interpretation. We will return to some of these issues in section 5 on female convicts.

## 4 THE CONVICT INHERITANCE

The central debate in this section is that between Russel Ward and Humphrey McQueen; it is an extension of the debate over the character of the convicts, especially as it applied to Australian nationalism and the national character. The dispute is whether the convicts were the foundation for the tradition of collectivist egalitarianism in Australian male culture (Ward) or whether they were the foundation for a petit-bourgeois spirit in the Australian labour movement (McQueen). We will begin this section with a brief examination of the work of Russel Ward, whose writings on the bush myth are familiar to you by now, and then look more closely at the criticism levelled at Ward by McQueen.

### 4.1 The mateship ethos

You have already seen in previous courses such as HP01a, *Defining Australia*, HP02a, *The Bush Mythology* and HP02b, *Urban Australia*, how the impact of the bush workers on Australian culture is a topic of some dispute. Thus Russel Ward in his book *The Australian Legend* argued that the convicts and their experiences in the penal colony were central to the development of a definably Australian bush ethos which became a characteristic of the typical Australian. You have also read a number of critics of Ward who have found problems in his formulations. In this course, we are going to focus on Ward's depiction of the convicts. Ward argued that the convicts made a significant contribution to the development of the bush ethos. His interpretation of their values is apparent from the following reading.

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Read Russel Ward, *The Australian Legend*, chapter 2, pp.15-45. Now answer the following SAQ.

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SAQ 9

1. What were the reasons for the prevalence of the convict-derived ethos?
2. What cultural and political values were inherent in the convict ballads, according to Ward?

Ward's argument is that the convicts were the fathers of an anti-authoritarian bush radicalism. The cultural values they brought with them and the transformations in values wrought by their colonial experiences were central to the formation of cultural solidarity. These values had effect beyond the convicts: they influenced the native-born and were thus transmitted into the general consciousness of the colonial working class. This interpretation of the character of the convicts was the basis for Ward's examination of the 'Australian legend', the details of which you have studied in earlier courses.

The questions that we can consider now are the various influences on the formation of Ward's interpretation. At an initial level, it is clear that many of Ward's qualifications about the convicts were influenced by the writings of Manning Clark some of which we examined in the previous section of this study guide. Ward adopts a contradictory attitude. On the one hand, he admits that they were hardened criminals (following Clark) but it is essential for the success of his argument that the convicts undergo a transformation upon arrival in the colony to make them proper 'founding fathers'. Underlying Ward's interpretation, there is a commitment to the view that the convicts were the founders of the culture of anti-authoritarian egalitarianism which characterised the Australian working class. Ward's book is an investigation of the origins and development of this culture.

Ward is full of admiration for the mateship ethos that he thought was characteristic of Australia. Our focus now is on why and in what context his interpretation developed. Russel Ward was born in 1915 and graduated from Adelaide University in the mid 1930s. He worked as a schoolmaster, only interrupted by war service, till 1952. In 1953, he began his PhD at the Australian National University researching what was to become *The Australian Legend*. He was a communist in the 1950s until he left the party after the Russian invasion of Hungary in 1956. In the climate of the Cold War, he was refused an appointment to the University of New South Wales before eventually being appointed to the Department of History at the University of New England (Armidale).

The 1950s were an important context for the development of Ward's ideas. The Cold War, and the electoral triumphs of Menzies, created a climate of threat for left-wing sympathisers with the Labour movement. In this period, the advancement of the image of 'the Australian way of life', discussed by Richard White in *Inventing Australia*, appeared to undermine the traditional images of the bushman, the digger and the worker that had been the basis of an Australian identity. These images had relevance to the working class whereas the new image propagated an essentially middle-class vision of Australian society. It is not surprising that, in this context, self-consciously oppositional intellectuals like Ward began to investigate the history of the working class. It was their belief that what was distinctive about Australia was its working-class traditions, and that these were under threat in the 1950s. In one sense, Ward's history was a nostalgic look at a disappearing culture. In another sense, it was an attempt to argue against the new images of Australia portrayed in the media and other sources.

Ward was only one of a group of historians concerned with rediscovering the historical traditions of the working class. He has generally been grouped with others such as Robin Gollan, Ian Turner, and Geoffrey Serle, as one of the radical nationalist historians of the postwar period. They drew on a long intellectual tradition - this included early nationalist historians like T.A. Coghlan, whose four-volume *Labour and Industry in Australia* became a major source for the history of the nineteenth-century Australian working class. Another important influence was Brian Fitzpatrick, a freelance historian who published a number of important studies in the 1930s and 1940s on the Australian economy, the effects of British imperialism in Australia and the rise of the Labour movement. One dominant theme in Fitzpatrick's work was the class struggle. The conflict between organised labour and organised capital was the motive force of Australian history, and this was the framework which influenced the postwar generation of leftist historians.

What distinguished the radical nationalists from other historians was their concern with the uniqueness of Australian working-class culture. They emphasised the concept of particularism to stress the differences between the working-class culture in Australia and that in other countries. They argued that the values of mateship and egalitarianism were the foundation of a distinctive radical and nationalist culture exemplified in the writings of Lawson and others, and manifest in the emergence of the Labour movement and their subsequent struggles against the capitalist class. Underlying these concerns was the belief that it was the working class who were the embodiment of the real Australian values. Ward's book was influenced by these questions and was a significant contribution to the development of the radical nationalist position. There were a number of parallels between radical nationalist historiography and the tradition of radical nationalist literary criticism that you studied in Course HP04b, *Literary Studies,* sections 4.2-4.4. One interesting point of contrast, however, was that radical nationalism began to decline as a force in literary criticism in the postwar period at the same time as it was beginning to expand its influence in history.

In the 1960s, radical nationalism became one of the most influential schools of Australian history. Ward, Turner and Gollan became professors in Australian universities and published important works on the history of the Australian working class. They influenced a generation of historians and in the 1960s, labour history became one of the flourishing areas of research and publication in Australian history. In 1961, a group of labour historians founded the Australian Society for the Study of Labour History and established a journal *Labour History* which became one of the main journals for the history profession in Australia. Its central concern was the history of organised labour in Australia.

In the 1960s, however, there emerged a new generation of left historians, critical of the radical nationalist tradition. We will examine the work of one of the significant exponents of this new Marxist tradition, Humphrey McQueen. In particular, we will look at his work on convicts and his criticism of Ward's depiction of the convict inheritance in working-class culture.

## TUTORIAL ONE

Bring along your readings and answers to your SAQs. In this tutorial, you can raise any problems you have come across in the study guide, readings or SAQs.

A number of questions for possible discussion in the tutorial are as follows:

- What is the significance of documents, and their use, in the production of historiographical debate?
- What are some of the reasons for debates between historians over contextual approaches to evidence?
- What were some of the significant developments in Australian historiography in the 1950s?
- What have been the consequences of the concern with middle-class moral values for the debates about the convicts?
- What were the central features of the radical nationalist school of history?

Even if you do not attend the tutorial, you will find it useful to make a few short notes on each of these questions.

## 4.2 The criminal ethos

The 1960s was a period of popular radicalism in Australia and other Western countries. Radical groups began to emerge over such issues as Vietnam, tertiary education, black rights, women's liberation and gay liberation. Activist groups organised large demonstrations and began to lobby politicians and express popular discontent with government policies and the wider structures of power in society. Central to many of these campaigns was the involvement of Marxist and socialist groups which sought to extend the range and impact of these struggles to a more fundamental confrontation with capitalism, seen as the source of oppression.

This generation of young socialist radicals has been called the 'new left'. This term was used to distinguish them from other long-standing, socialist traditions - the 'old left'. A number of factors differentiated these two radical schools. Firstly, the 'new left' was primarily concerned with struggles about schools and universities, men and women, straights and gays, blacks and whites and imperialism. They did not confine their analyses to the struggle of 'organised labour and organised capital' which had been the major concern of the 'old left'. Secondly, a profound disillusionment with the Labor Party and the trade union movement characterised the 'new left' in Australia. They looked beyond the confines of the class struggle in Australia and situated events within a wider international context, where it was apparent that the working class was not the sole voice of opposition to capitalism. Hence, their focus was on Australia as part of a worldwide capitalist system, in contrast to the 'old left' which had been concerned with the distinctive features of Australian working-class culture.

The 1950s and 1960s were also years of important developments in socialist theory. In this period, Marxists in Western countries began to question the political practices of Stalinism, which had been responsible for large-scale purges of party members, concentration camps and an authoritarian party structure. They also began to question the theoretical legacy of Engels and other influential Marxists like Kautsky, who stressed the role of the economic structure in determining other social phenomena such as politics and culture. Such an approach was termed economic reductionism and, in contrast, some Marxists began to argue that culture and politics had a measure of independence from the economic relations of production; changes in these relations could not determine the nature of changes in politics and culture.

These developments had their repercussions in Australian history. A number of 'new left' writers such as Bob Connell, Stuart Macintyre, Terry Irving, Baiba Berzins and Humphrey McQueen, were critical of the 'old left' traditions in Australian historiography. The brunt of their criticism was directed against the radical nationalists like Ward, Gollan and Turner. The contention of these 'new left' historians was that Australia was a capitalist society, not a society where the bearers of the Australian tradition were the working class. They disputed that the working class, as characterised by the 'old left', was radical, egalitarian and possessed of a 'natural socialist ethos'. Similarly, they argued that 'organised labour' (the trade unions and the Labor Party) was not the foundation of the struggle against capitalism.

Instead, some of them argued that organised labour was largely a petit-bourgeois movement obsessed with individual material gains made by accommodating itself successfully within the capitalist system. The unions and the Labor Party were more concerned with gaining concessions from capitalists, and helping the capitalist system work than with advancing the struggle of the working class against oppression. Similarly, they argued that the so-called traditions of mateship and egalitarianism, in fact, were inherently racist and counter-productive to class struggle. McQueen, in particular, was intent on arguing that nationalists were more concerned with the empire, that nationalism was racist and that the workers were obsessed with gaining property. He argued that Australia was the frontier of European capitalism and that the nation's past belonged to the capitalist not the worker.

The new left historians also took issue with the methodology of the radical nationalist and labour historians. They argued that the older tradition had been intent on reliving the glories of a supposedly radical working-class past that had faded. Theirs was a history of lament and nostalgia. The new left argued that this tradition was the history of one class in isolation from wider social and historical developments. What was required, they suggested, was a history of the class structure in Australia where the history of the ruling class and its relations with the working class was the focus. It was to be a history of struggle, but one where all the protagonists were investigated.

In 1970, Humphrey McQueen published *A New Britannia*, in which he presented most of his criticisms of the old left tradition. One of his central chapters concerned the convicts, where he contested the characterisation of the convicts presented by Ward. He had already signalled his dispute with Ward in an article, 'Convicts and rebels', published in *Labour History* in 1968. Here we will look at McQueen's later and shorter argument about the convicts, published in his 1970 book.

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Read Humphrey McQueen, 'Convicts' (excerpt), reading 6. Now answer the following SAQ.

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SAQ 10

1. What were the general characteristics attributed by McQueen to the convicts?
2. Briefly, explain why McQueen sees the economic motivations of the convicts as inimical to Ward's 'egalitarian class solidarity'.

On the subject of convicts, McQueen particularly disagreed with the way Ward had linked the convicts to a mateship ideal which facilitated the ready acceptance of socialist ideas amongst bush workers and thus the acceptance of unionism and the Labor Party. McQueen used a methodology and sources similar to Ward's, but each came to different conclusions about the same evidence. Ward claimed that 'all but the most brutalised' convicts had an 'egalitarian class solidarity'. In other words if someone claimed that treachery took place Ward could argue that in these cases the system had done its worst. Consequently Ward described the convicts who served in the police as an exception to the mateship principle. He noted the detestation by the other convicts of those who broke this unwritten law of mateship as evidence for his case.

McQueen on the other hand sees the convicts joining the police not as an exception but as part of the overall picture of treachery among the convicts. Convicts had mates, McQueen seems to be saying, only as long as it suited their own ends.

Ward replied to many of McQueen's claims. He reviewed *A New Britannia* in the Melbourne journal, *Overland*, in 1971 and this was followed by a reply from McQueen and again a further reply from Ward, in the same journal. This was a lively if somewhat bitter interchange, which at least indicated that sharp historiographical debates were possible in Australian history. However, some of the debate degenerated to the level of mud-slinging, or claims that each had misrepresented the arguments of the other. Ward tried to suggest that there were traditions of 'gentlemanly' criticism while McQueen remained aggressive, polemical and iconoclastic in his approach.

None the less, this debate revealed the deeper political disputes between Ward and McQueen. Ward argued that the indigenous radical tradition had to be placed within its historical context for an adequate appreciation of its strengths and weaknesses. He suggested that McQueen was imposing modern criteria of revolutionary strategy on the past, and thus consigned the men of the past to 'the human rubbish bin' (as Manning Clark claimed in his foreword to McQueen's book). Ward argued that the examples of convict treachery cited by McQueen in fact characterised only the minority of the convicts. He conceded that the convicts may not have constituted a 'class' in the strict Marxist sense, but that most of them had engaged in labouring work and it was this which fostered specifically 'Australian' attitudes.

Other radical nationalists attempted to reply to their new left critics. One such reply came from Ian Turner, and his article places the Ward/McQueen debate in a wider context. He too was an ex-member of the Australian Communist Party, and one of the major radical nationalist historians in Australia. As you read the following reading, be aware that Turner was canvassing a debate much wider than the Ward/McQueen controversy. Note that the purpose of Turner's article is to discuss the following questions:

- the emergence in the 1930s, 1940s and 1950s of a group of historians and critics who have come to be described as 'radical nationalists' or 'left Australians', the circumstances of that emergence and the values held by that group
- the emergence in the 1960s and 1970s of a critique, on several different fronts, of the historiography and ideology of the radical nationalists, the circumstances and the nature of that critique
- a re-evaluation of the radical nationalist tradition.

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Read Ian Turner, 'Australian nationalism and Australian history', reading 7. Now answer the following SAQ.

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SAQ 11

1. What points of difference does Turner see between 'old left' and 'new left' historians?
2. What are the four critiques of radical nationalist historiography?
3. How does Turner defend the continuing relevance of the radical nationalist view?

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The Turner reading points more clearly to the fact that at the centre of the Ward/McQueen debate was a conflict between an old left tradition concerned with the indigenous expressions of working-class consciousness and a new Marxist concern with correct revolutionary strategy. The nationalism of Ward conflicted with the internationalism of McQueen. This debate was a clear illustration of the part played by wider political and social assumptions in the construction of historiographical debate. The evidence used by both writers was similar but the concepts they used to read the evidence led to the construction of diametrically opposed interpretations.

## 5 THE FEMALE CONVICTS

In the previous reading, Ian Turner discussed new trends in Australian history. One of the most important of these was women's history. Here, we will examine one of the important debates in women's history - the female convicts. Discussion of the character of women transported to Australia has generally focussed on their 'moral depravity'. You have read a number of contemporary accounts in Course HP07a, *Penal Colony 1*, written by officials, clergy, free settlers and visitors which condemn the character of the women. These commentators considered that, on the whole, the female convicts were worse than the male. Official opinion was firmly convinced that the women were sexually immoral and that the majority were prostitutes.

Many historians, Wood and Clark among them, tended to ignore or make only minor comments on the character of the female convicts. They noted in passing that the majority of women transported had been domestic servants and, like their male counterparts, convicted of theft. Generally, the convicts in these discussions, male and female, were lumped together as one category and either exonerated or condemned. It was sufficient to their purposes to consider convicts as a whole and gloss over any characteristics, such as gender, that may have differentiated them. In the 1960s, however, the surge of historical research on the convicts begun by Clark and Robson led to consideration of the specific characteristics of the female convicts, and revision of previous interpretations. In this section of the study guide, we will look at the development of this historiographical debate.

### 5.1 Worse than the men

The first historian to single out the female convicts for special discussion was Lloyd Robson. You will recall that the work of Robson was discussed in section 3.2 in regard to the general convict population. There we examined the growth and professionalisation of Australian history, Manning Clark's early work in dismantling the Wood interpretation and Robson's commitment to an empiricist and quantitative methodology in the development of his interpretation. (If you wish to refresh your memory on these issues, re-read section 3.2 of the study guide.) Here, we will investigate the means by which Robson developed an interest in the female convicts, and his interpretation of their behaviour and character.

In the debates prior to Robson, notably those involving Wood and Clark, historians had not thought to distinguish the female convicts as a specific group. Wood had argued that they were domestic servants driven by poverty to theft and prostitution and that their offences were minor and did not warrant the harsh sentences they received from the courts. In this way, the example of the female convicts was used to exemplify his more general argument that the convicts were either resisters or victims of a cruel and immoral system created by the aristocracy. By arguing this case, he countered the image of women dominant in the primary sources that they were 'worse than the men'.

In a similar fashion, Manning Clark used evidence about the character of the female convicts to add weight to his general thesis. Evidence of repeated thefts, disobedience to masters or prostitution showed that, like their male counterparts, the female convicts were part of an urban, criminal subculture.

The aims of Robson's research project led him to examine the subject of female convicts more fully. By taking a 5 per cent example of all convicts transported to the Eastern colonies, Robson included a number of women. In other words, it was the force of numbers, his desire for an 'objective' sample of the range of social characteristics that made him focus on a basic social difference - gender. In concentrating on the specific characteristics of the female convicts, he was able to detail the age, place of trial, offences, previous convictions and place of birth, just as he had done for his male sample. You will get a better idea of his findings from the following reading.

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Read Lloyd Robson, 'The origin of the women convicts', reading 8. Now answer the following SAQ.

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SAQ 12

1. Why were the Scots so conspicuous in the sample of women convicts?
2. What were the most common crimes committed by women?
3. What distinguished the Irish women in this sample?
4. What is Robson's conclusion concerning the character of the majority of the female convicts?

Robson claimed that it was not sufficient merely to accept the opinions of various contemporary commentators when judging the character of the women convicts. Even though he considered that their views might be accurate, his aim was to test the limits of what 'it is possible to say' by determining the social characteristics of the women convicts. Yet, by themselves, the figures say very little. It is their interpretation and use that is significant for the historiographical debate. Here, it is arguable that despite his claims about objective evidence, Robson has fallen back on the traditional primary sources - the commentaries of middle-class observers - as a means of explaining the figures.

It is through the use of the evidence of middle-class attitudes that Robson seeks to show that the female convicts were, on the whole, urban thieves and prostitutes. Yet, he uncritically perpetuates many of the views, and the sexist language, of these middle-class commentators, without placing such views in their historical context. For example, he describes the women as 'curious, pathetic, dull and vicious' (R8:5) 'no better than they should have been' and of 'bad character'; he saw the general picture of the women as 'not an attractive one' (R8:6). He presents comments as factual descriptions of the character of the female convicts rather than opinions derived from a narrow set of sources. We would be justified in asking the question as to whether such an amorphous notion as 'character' is really open to empirical demonstration. This is a point that will be taken up later in this section of the study guide. He uses selected examples of comments from female convicts but does not provide examples of alternative views, nor has he examined the reasons why such views would have been expressed by convicts. Robson uses middle-class morality, his own and that of the sources, to interpret his statistics and thus concludes that the women were immoral.

There are other points that we can note about Robson's use of evidence. For instance, he draws on contemporary evidence selectively. He quotes the opinion of James Mudie, a noted exclusivist, but not the views of Governor Macquarie, who was more sympathetic to the convicts and more tolerant of their character. Similarly, he often quotes the work of Henry Mayhew, whose massive three-volume study, *London Labour and the London Poor,* written in the mid nineteenth century is one of the most valuable primary sources on the lives of the working class in London. None the less, like any source, Mayhew has to be placed in his context as a middle-class social reformer, horrified and outraged by what he saw, hoping to shock middle-class opinion into agitating for essential reforms. Thus, his work is riddled with overt moralism, which tells us much about Mayhew and little about how the London poor viewed their own situation. Robson uses Mayhew to prove the degradation of the urban working classes and so perpetuates the middle-class view of the convicts.

The point that we are making here, one of moral relativism, is important. It is one that is relevant to a number of historians and we will return to it later in this section. For the moment, it is sufficient to make the point that while Robson has focussed on the convicts, he has used middle-class sources to interpret the statistics. Alan Atkinson, has suggested some problems with this method:

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> Australian scholars have always been very much pre-occupied with the character of the early settlers... But it does appear that any study of them must take its organising principle from among the ideas and policies of men in power at the time. If this is done in a traditional way, it must mean some kind of distortion, and it will be unconscious distortion, not spelt out and allowed for by the historian... . Robson may be among the best, but he is not the only author who has set out to talk with the people, only to be taken aside by Mr Pitt. (Atkinson, 1979, p.68)

The point of Atkinson's criticism is that Robson has not resolved the issue of who the convicts were. Instead, he has replicated the dominant middle-class impressions of their character.

Atkinson's comment refers to Robson's treatment of the sources concerning male and female convicts. None the less, the point is of particular significance for the study of women convicts, who, because of the nature of the primary sources, are condemned more harshly than the men. As one historian, Beverley Kingston, has commented, 'with each new study of the convicts, more men are given posthumous pardons while the women become worse.' This historiographical situation became the focus for criticism in the early 1970s, as a group of women's historians set about examining the history of the women convicts, not as an adjunct to a wider study of the convicts, but as a project in its own right. These developments are the subject of the rest of this section of the study guide.

## 5.2 'Damned whores'

In the late 1960s and early 1970s, a new feminist movement emerged in Britain, Europe, Canada, America, Australia and other countries. This was one of the most significant events in modern social and political history. Around the world, women began to organise, meet and debate with each other, lobby governments, confront other political groups, alter their personal ideas and living situations on the basis of a perception that women, as a group, shared a common core of problems, and that these problems should be analysed and overcome. This was not to say that all women agreed on every issue. On the contrary, in the 1970s, a number of feminisms emerged - radical, marxist, socialist and liberal - each with a different diagnosis of the cause of the oppression of women, what constituted oppression and prescriptions about how to solve the problems of women. The common element in all these groups was a concern with women.

The reasons for the emergence of a large and vocal women's movement in the late 1960s are many and complex. Women had been writing about their problems, as a sex, for over two hundred years. By the late nineteenth century, a large feminist movement existed in Britain, Europe, America, Canada and Australia. While they were concerned with the oppression of women in a number of areas, their foremost campaign was the struggle for legal and political equality in which the fight for the right to vote was the most public campaign. By the 1920s and 1930s, the achievement of the vote in most countries appeared to undermine the radicalism of the early feminist movement and, apart from a few vocal groups, it lost much of its support. Thus, the feminist movement in the 1960s was a revival of an older popular movement. However, its concern with such issues as sexuality, pornography, rape, abortion, work, child care, family violence and the psychological differences between masculinity and femininity went far beyond those of the earlier feminists.

The new feminist movement (or second wave as it is sometimes called) emerged during a time of popular radicalism in Western countries. The struggle for Black rights in America, the opposition to involvement in Vietnam, the struggle for rights for homosexuals and nuclear disarmament movements were all contemporaneous with the women's movement. Some feminists have argued that their position emerged in critical response to these other movements. For instance, some women, through personal experience, perceived that the sexual libertarian struggle of the 1950s and 1960s which stressed the importance of freedom from 'sexual repression', was, at heart, a movement for men rather than women, since the issue of female sexual pleasure was not adequately addressed. Similar experiences in other political movements led some women to believe that their contributions to these movements were undervalued solely because they were women. In this context, a spate of major feminist works such as Kate Millett's *Sexual Politics* (1970), Shulamith Firestone's, *The Dialetic of Sex* (1970) and Germaine Greer's, *The Female Eunuch* (1970) were early expressions of the radical aims and concerns of the women's movement. Since the early 1970s the feminist movement and the debates over the causes and cures of women's oppression have proliferated.

Our concern is not with the growth and development of the women's movement but it is important for us to note that this was the social, political and historical context in which a new historical discipline - women's history - emerged. One important project of feminists was to investigate the forgotten history of women. Women's history became an important component in the wider feminist struggle because it was only by examining the position of women in the past, and in different cultures and societies, that an analysis of the basis of the oppression of women might be developed. Early questions focussed on the problem of whether the oppression of women was a product of industrial or capitalist social relations, or whether the oppression of women was of longer duration and typical of a range of cultures and economic systems. The answer to such questions was thought to have a crucial bearing on the development of political strategies adequate to confront the basic structures of oppression. In the next reading, we will look at some of the early concerns of women's history in Australia, as outlined by one feminist historian.

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Read Anne Summers, 'The problems of establishing a women's history', reading 9. Now answer the following SAQ.

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SAQ 13

1. What has been the failure of past histories of Australia, according to Anne Summers?
2. What are some of the problems in writing a history of women, according to Anne Summers?

Anne Summers mapped out the wider context in which women's history became a legitimate area of research. In the mid 1970s, the fruits of this research emerged with the publication of three major books on the history of women in Australia. These were Summers's own *Damned Whores and God's Police* (1975), Miriam Dixson's, *The Real Matilda* (1976) and Beverley Kingston's, *My Wife, My Daughter and Poor Mary Ann* (1975). Here, we will be concerned primarily with the work of Summers and Dixson, because it was their work which directly confronted the dominant historiography on the female convicts.

Anne Summers was born in 1945. She grew up in Adelaide and began her university degree at Adelaide University in 1965; her progress through her degree was slowed by involvement in a number of left-wing movements. In 1970, influenced by the new feminist movements beginning overseas, she helped establish the Women's Liberation Movement in Adelaide. Soon after, she moved to Sydney and was instrumental in the opening of the Elsie Women's Refuge and was a foundation member of the editorial collective of the radical feminist journal *Refractory Girl*. In 1972, she began postgraduate work in the Department of Government at Sydney University. She chose as the subject of her thesis an analysis of the position of women in Australia. Investigation of this area led her to expand the concept and scope of the project beyond the limits of a thesis so instead she published the work as a book *Damned Whores and God's Police*. It became a popular success, one of the best selling non-fiction books of the 1970s. She was subsequently awarded a PhD on the merits of this publication.

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Summers's interpretation of the convict period was influenced by the political concerns of the early years of the women's movement. She argued that women had either been neglected or moralised about in traditional history. What was needed were new questions and perspectives which would not just restore women to the history books but would provide critical insights into the basic structures of social life which served to 'colonise' and 'oppress' the female population.

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Read Anne Summers, 'Damned whores' (excerpt), reading 10. Now answer the following SAQ.

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### SAQ 14

1. According to Summers, what was the major function of women in the new colony?
2. What does Summers mean when she uses the term 'stereotype'?
3. What factors helped to perpetuate the 'stereotype' of the 'damned whore'?

In looking at the Summers reading, you will have noticed that she was using familiar sources as evidence. She refers to the opinions of middle-class commentators through government despatches, evidence before Royal Commissioners, memoirs and other often-used primary sources. These form the foundation of her arguments. Thus, Summers did not embark on new research to disprove previous interpretations but, instead, considered established material from a new perspective. New concepts and opinions coming out of the feminist movement led her to reinterpret the convict period and the place of women in the colony.

Summers adopted sociological theories of social control and stereotyping to develop her feminist interpretation. In her argument, the problem of the morality of the female convicts was not the central issue. Her concern is with the impact of sexist stereotypes on the lives of women; thus, traditional sexist attitudes were transposed to the new colony, women were seen as whores by men and hence treated like whores. This was seen as necessary by some officials to ensure control of the male convicts. Rape and sexual abuse of the women was tolerated as a means of controlling the male convicts, by defusing one possible ground of resentment against the penal system. The result, according to Summers, was that prostitution was enforced on the women in the colony. For many, it was their only means of survival. This image, or stereotype, imposed on the women structured the men's attitudes towards women, restricted the opportunities of women and meant that many of the female convicts probably acted accordingly.

Our task, here, is less to agree or disagree with the argument than to see how she has used particular contemporary social concepts to interpret the past. You will be familiar with some of these theories from your work in Course HP03a, *Community and Identity*. Summers shifts the blame for the behaviour of the women away from the women themselves, where Robson, Clark and Shaw saw it, on to the patriarchal system which enforced such behaviour.

Another feminist interpretation of the convict period is that of Miriam Dixson in her book, *The Real Matilda*. Like Summers, she added little new evidence to the history of the convict period but provided a new interpretation of its development and effect on women in the colony.

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Read Miriam Dixson, 'Our founding mothers' (excerpts), reading 11. Now answer the following SAQ.

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SAQ 15

1. According to Dixson, what were the consequences for women of being convicts?
2. How did convict women react to their victimisation?
3. What function did the convict women fulfil in the wider society?

In this reading, we can see that Dixson has also used a number of contemporary theories in order to reinterpret the existing evidence on the convict period. However, Dixson utilises a range of psychological as well as sociological theories in an attempt to explain the behaviour of the women convicts and the consequences for women in Australian society throughout its history.

We can see the basis of Dixson's approach at a number of points in the above reading. Her notion of a 'deeply crippled self vision' suggests her underlying concern with the social history of women in the colony. For Dixson, the experiences of convictism had psychological effects on women. In support of this interpretation, she notes the work of the anthropologists, Mary Douglas and Gordon

Allport, and the work of psychologists, Phyllis Chesler and Theodore Roszak. Using the theories of such writers, she attempts to map how convict women became 'outcasts' in colonial society and subject to forms of 'victimisation'; she also assesses the effect of these processes on the way the female convicts behaved.

From this position, she argues that there were two possible responses, 'intropunitive' and 'extropunitive'. While you may find much of Dixson's discussion unnecessarily full of sociological and psychological jargon, her fundamental conclusions are quite easy to grasp. She suggests that the cultural, social and political pressures on the convict women had psychological and social consequences. The contempt expressed towards the women and the treatment they received led some of them to internalise the problems (intropunitive response), resulting in submission to the convict system, self hatred and low self esteem. Alternatively, others reacted aggressively and violently to their situation (extropunitive response); this reinforced contemporary perceptions of the convict women as more abandoned and immoral than their male counterparts.

Another central element of Dixson's argument concerns the pervasive nature of patriarchal/sexist attitudes towards the female convicts. She notes, as many others have done, that middle-class commentators almost universally condemned the character and behaviour of the female convicts. However, she goes on to argue that the male convicts, and their free working-class male brethren, also condemned the women. This arose from the subjugated position of working-class men in this class structure. It was important for the male convicts to feel that there were people, namely the female convicts, more wretched than themselves. Thus she sees the origins of mateship and anti-authoritarianism in the convicts as a particular male concern and one rooted in an intense contempt for women. This, she argues, is one reason for the low status of women in Australian society.

Dixson's study of the convict period was part of a wider study of the history of women in Australia. She argued, however, that the convict period was the crucial 'formative period' in the history of Australian women. In her view, in this period originated the particular oppression suffered by women throughout the two hundred years of Australia's history. Psychological theories were at the heart of this argument. Once the 'crippled self vision' had been established it became, according to Dixson, a fundamental feature in the psychology of Australian women from generation to generation. There are parallels between this argument and that of Russel Ward in *The Australian Legend* where he argued that the origins of the bush ethos lay in the experiences of the convicts.

The impact of feminism is clear in the work of Miriam Dixson. Her concern with patriarchal ideas and the crippling psychological effect they had on women was a major issue of much radical feminist writing in the early 1970s. However, there were other influences that affected the development of Dixson's interpretation. She had a more traditional academic career than Anne Summers. She was a BA and MA student at Melbourne University in the 1950s and was a PhD student at the Australian National University in the early 1960s. Her major research area was labour history, particularly the relationship between the New South Wales Labour Premier, J.T. Lang and the union movement in the 1920s and 1930s. During this time, she was in close contact with radical labour historians such as Ian Turner and Robin Gollan. In 1967, she was appointed a lecturer in history at the University of New England.

Dixson's background as a labour historian led to her concern with the work of Russel Ward, in particular, *The Australian Legend.* Ward was also a colleague at the University of New England. The legacy of these influences can be seen in Dixson's preoccupation with the images and self images of Australian women. She is concerned with investigating the other side of the Australian legend, to demonstrate that the bush ethos was based on male egalitarianism and a contempt for women. The very particular conditions which led to the strength and survival of the bush ethos amongst the pastoral workers were responsible for the extremely low status and low self esteem of Australian women. Australia was a more patriarchal society, in Dixson's view, than many equivalent Western societies. It is worth noting that Dixson often uses the personal stance (such as 'I think' or 'I agree') in presenting her arguments. This may indicate her awareness of the polemical nature of her work and a lack of confidence about how it would be accepted by a male-dominated profession, a profession, moreover which stressed the importance of avoiding a personal form of address as a way of ensuring a more objective tone to historiographical debate.

Despite differences in approach and interpretation, there are a number of similarities between the work of Summers and Dixson. Firstly, neither offered a substantial body of new research into the history of the female convicts. They tended to rely on the well-established sources used by other historians; and both based their arguments on the views of a limited number of middle-class commentators. Some critics have argued that this is an inadequate basis on which to build the large claims that they wish to make concerning the patriarchal nature of Australian society.

A second, and related, similarity between Summers and Dixson is that both attempted a fundamental feminist reinterpretation of the existing evidence. In doing so, each used a range of sociological, anthropological and psychological theories as a means of demonstrating that the evidence could be interpreted in ways other than that of historians such as Robson. Yet, many of the theories they refer to, such as Summers's use of role theory and Dixson's use of internalisation, are subject to criticism from scholars in the disciplines from which those theories originate. More importantly, it was difficult for them to demonstrate exactly how these mechanisms worked, given the limited range of historical evidence available. This was particularly so in the case of Dixson, whose elaborate psychological arguments are tenuous. She provided no theory of how the low self esteem of women was transmitted from generation to generation. Nor could she really know the psychological consequences of convictism. She had to rely on studies of modern women and imply that the origin of particular psychological problems reaches back to the convict period.

Both Summers and Dixson have been criticised for their lack of original research and the abstract nature of their interpretative schemas. None the less, it is important to recognise what was significant about their contribution to the debate about women convicts. Summers and Dixson shift the terms of the debate away from the character of the female convicts, which had been the concern of Robson and other historians, and on to the system which oppressed the women. They are less concerned with the immorality of the female convicts and more concerned with pointing to the patriarchal society which degraded the women.

This shift in emphasis entailed a number of consequences for the construction of a radical feminist interpretation of the convict period. By blaming sexist attitudes and stereotypes for the behaviour of the women, Summers and Dixson left intact the dominant conception of the female convicts as 'damned whores', depraved, degraded and 'worse than the men'. They accepted that this was an accurate picture of the convict women but sought to show that such behaviour was forced on them by the patriarchal powers influential in colonial society.

The works of Summers and Dixson are important examples of historiographical revisionism. They indicate how debates between historians can be generated by a new interpretation of the existing sources. It is not necessary for new research and evidence to exist before the process of historiographical debate can be initiated. On the contrary, the use of new concepts and perspectives on a static body of evidence can often be the basis for fruitful disputes among historians.

The work of Summers and Dixson has been influential amongst many historians of the 1970s and 1980s. Their books sold particularly well and were quickly placed on the reading lists of the women's history courses that were started at a number of Australian universities in this period. They established a tradition of radical feminist interpretation of the convict period. The often polemical and controversial nature of their contributions prompted a number of historians to reassess the history of the convict period with women as a major theme. The expansion of women's history courses in the universities meant opportunities for women academics, in particular, to make the study of women's history a legitimate theme. One result of these developments was the emergence of another group of women's historians, critical of radical feminism, who sought to provide an alternative interpretation of the female convicts from that of Summers and Dixson. This new school of interpretation is the subject of the next section.

## 5.3 Reformed and respectable

Women's history has been one of the most significant developments in recent social history. In Britain, Europe, America, Canada and Australia, the growth in the study of women's history in the 1970s was phenomenal. In a few years a wide range of new journals, university courses, postgraduate diplomas and publishing houses, all exclusively concerned with this subject area, had been established. A generation of postgraduate researchers expanded the scope of knowledge about the history of women, particularly in Western societies. Important areas of research included women's work, prostitution, the family, mothering, sexuality, birth control, domestic service and family violence, as well as aspects of women's role in public life, the struggle for the vote, legal reform of the status of women and involvement in the areas of philanthropy and charity.

Within this burgeoning field of research, a number of important historiographical debates emerged. One point of debate concerned the argument that the industrial revolution undermined the pre-industrial extended family in which women had an important role and consequent high status. The rise of the nuclear family and the split between home (the private sphere) and work (the public sphere) were argued to be events leading to a disintegration in the position of women. You have already examined some of these issues in Course HP05a, *Work in History*. In this argument, the confinement of women to the home meant the denial of access to the public sphere and a lowering of status. In contrast, another group of women's historians argued that the modernisation of the family meant an increased role for women as wives and mothers. Women were also freed to pursue activities in areas such as philanthropy. The result was a new status for women as managers in the private sphere and the basis for a campaign to argue that women and men inhabited separate, but equal, spheres of life.

In part, these debates were responses to political developments within the women's movement. The early impetus to the history of women came from radical feminism with its focus on patriarchal culture and women's oppression. In the early 1970s, however, other streams of feminist thought and politics became prominent. Two notable new feminisms of this period were marxist feminism, which stressed the importance of capitalism in the oppression of women, and

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liberal feminism, which argued that, with legal reforms, it was possible to achieve equality of opportunity for women and to undermine sexist attitudes. These views influenced a number of the debates about the impact of the industrial revolution and capitalism on the position of women.

New feminist groups also influenced developments in the new discipline. Whereas some historians focussed on evidence concerning working-class women, others examined the history of middle-class women. The first investigated such issues as the impact of industrialisation in undermining women's productive work in the home, and the effect of factory and shop legislation in the early nineteenth century in restricting the participation of women in the workforce. On the other hand a second group investigated the growth in medical and educational literature concerning the importance of motherhood and the role of middle-class women in philanthropy. Different sources, questions and priorities have played a part in organising different interpretations of the history of women in modern Western societies.

These debates have had their counterparts in Australia, although the transition from a pre-industrial to an industrial social formation could not be a focus of analysis. As the writer of reading 12 has argued, 'the Australian family was born modern.' None the less, in the late 1970s, a number of women's historians took issue with the radical feminist analyses of Summers and Dixson. One of these was a lecturer at Melbourne University, Patricia Grimshaw. In the following reading, we can see some of the objections of Grimshaw to the work of Dixson, in particular.

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Read Patricia Grimshaw, 'Women and the family in Australian history', reading 12. Now answer the following SAQ.

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### SAQ 16

1. Grimshaw identifies a central failing in Australian women's history. What is it?

2. What were the general characteristics of the colonial family, according to Grimshaw?

In this reading, we can see some of the essential arguments in this tradition of women's history in Australia. Grimshaw's argument against Dixson focusses on her view that it is in the family that women achieved higher status. The shortage of women in Australia meant that they were more highly prized as wives than their European and British counterparts, while the avenues for material advancement in the colonies allowed many to escape the poverty and destitution which would have been their lot in England. Dixson concentrates on women's public role, according to Grimshaw, and thus avoids the sphere where her self esteem would have been high. She argues that there were strong affective ties between married couples.

There are a number of interesting methodological problems with Grimshaw's argument: we could raise the questions of how it is possible to measure affective ties in marriage and what evidence could support such a claim. While Grimshaw has resorted to the letters and diaries of a number of middle-class commentators, it is debatable whether such evidence is sufficient to support the argument, particularly in the case of working-class women. She avoids analysis of issues which may have complicated her argument, such as family violence and desertion. Nevertheless, she has clearly stated her objections to the arguments of Dixson and has proposed that substantive new research into the history of the family might undermine some of the radical feminist claims made by Dixson.

Grimshaw does not make convict women the subject of her critique. Rather, her concern is with those colonial women who married and prospered within the colony. Given the terms of her argument, this is not surprising. However, one historian, arguably in sympathy with Grimshaw's critique, has ventured into the area of the female convicts. Portia Robinson teaches Australian history at Macquarie University. In the late 1970s, she undertook to examine the case histories of everyone transported to New South Wales before 1828. Like Robson, she favoured a quantitative approach, stressing the importance of knowing 'the facts' before attempting interpretation. She undertook to make a thorough examination of all the available records concerning the early colonists. Within this study, women were an important theme. Her conclusions are made apparent in the next reading.

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Read Portia Robinson, 'The first forty years' (excerpts), reading 13. Now answer the following SAQ.

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SAQ 17

1. According to Robinson, why has examination of convict women distorted the picture of women in colonial society?
2. Why did the convict women, generally, have an 'undeserved reputation'?

The point of Robinson's critique is that the 'damned whore' stereotype is wrong. She attempts to place the evidence of middle-class commentators in a historical context to show that their reactions to a few women coloured their perceptions of the bulk of the female convicts. In contrast to the received view, Robinson makes two important points. Firstly, she argues that the established picture of the convict women is correct, but only for the minority of women. Secondly, that evidence that most women were not reconvicted after arrival in the colony and eventually contracted successful and outwardly happy marriages or advantageous liaisons demonstrates that the women were not really immoral. In Robinson's view, this is a development to be praised. She attempts to marry two opposing theories of criminality - environmentalist and hereditary determinist. Thus, colonial society was an environment that encouraged morality and prosperity and those who were reconvicted must have been irredeemable criminals. Not only is Robinson taking issue with established views of the women convicts but she is also challenging the traditional conception of early colonial society as vicious and repressive. For Robinson, the seeds for a peaceful, middle-class colonial society are found in its convict beginnings.

Robinson's interpretation warrants closer examination because of its departure from other traditions. In this, it is important that we scrutinise her evidence and, in doing so, it is possible to argue that there are a number of problems with her case. Robinson bases much of her interpretation on the view that the records of the criminal courts are an 'objective' source concerning the criminality of women. Such a plea is a contentious one, as any notion of 'objective' evidence is open to some question. In the first instance, as was suggested in Course HP02a, *Urban Australia*, all evidence is subject to selection. She herself has participated in the process of selecting and interpreting the court records and this undermines her argument that the records are an irrefutable basis for her case. For example, she brings certain assumptions to bear on her evidence: like many commentators, and some later historians, she assumes that to be a criminal is to be depraved, but this is far from an uncontestable view. By conflating the two, she sets up a value-laden dichotomy between 'moral' and 'immoral' female convicts. Robinson is still caught, like Robson, in the problem of assuming that middle-class sources are adequate to describe the character of the convicts.

Secondly, other assumptions are brought to bear on the evidence, notably, that lack of conviction in the courts is evidence that few women were committing crimes. But, criminal court records are records of levels of policing not levels of criminality. It is frequently argued in recent crime history that for any type of crime there is an unknown 'dark figure'. In other words, numerous offences go undetected by authorities and those apprehended for an offence are only a proportion of those who commit the offence in a limited period of time. You will recall from the previous course, HP07a, *Penal Colony 1*, in the section on enforcement practices (section 3.5), that the police and the judiciary in New South Wales were badly organised, open to corruption and beset by other problems which diminished their efficiency as agents for social order. If many more crimes were being committed than were brought to trial, Robinson's characterisation of early colonial society may be flawed. Her attempt to extrapolate from criminal court records is fraught with unacknowledged interpretative dilemmas.

At this point, it will be useful for us to place the work of Robinson in the context of the historiographical debate on women convicts. Robson assumed that contemporary opinion was an accurate reflection of the character of the women. This was his primary question: What was their character? His answer was that they were, on the whole, 'depraved' and 'immoral'. In response to this argument, Summers and Dixson shifted the blame for this situation away from the women and on to the sexist stereotypes and patriarchal attitudes which forced women to behave 'immorally'. In doing so, they admitted that Robson's depiction of the women was accurate but that the cause was the social system. Robinson, similarly, admits that the dominant characterisation of the female convicts is correct, but argues that this is only so for the minority of women convicts and ex-convicts in the colony.

Despite the differences between these interpretations, there is a set of common themes. The foremost consideration is the central concern with the 'morality' of the women. The impact of the range of primary sources which all testify to the depravity of the convict women is apparent in all these historical works. All of the above historians have taken at face value the depiction of the women by middle-class observers. Although they attempt to qualify this picture, or place it in context, all are agreed that some women, at least, were 'immoral'. Moreover, the whole issue of convict women is rife with sexist assumptions that the character of women is dependent on their sexual activities. There is no parallel concern with the sexual activities of the male convicts nor any attempt to condemn them if they were rapists or contracted de facto relationships.

In this historiographical debate, a number of problems have remained unanswered. For instance, can the evidence of middle-class observers be taken as objective proof of the character of the women. You will recall, from the previous course, that it was suggested that middle-class attitudes were the product of a clash of cultures. The historians have not explored the issue of how the convicts, men and women, viewed their own behaviour or whether the women's behaviour was the product of protests, as suggested by Alan Atkinson in his examination of male convicts (Course HP07a, *Penal Colony 1*, reading 16). The historians in the convict women debate have generally failed to sift the description of the women's behaviour (which may have been accurate) from the moralist overtones of the observers. They have thus perpetuated one particular tradition of interpretation. Recently, some historians have begun to question this tradition.

## 5.4 New directions

In the 1970s, the social history of crime became a major focus of study for historians in Britain, Europe, America and Canada. Important research was conducted into the impact of enclosures, urbanisation and industrialisation, on the development of crime in late eighteenth-century and early nineteenth-century England. A focus of the work of historians like E.P. Thompson and Douglas Hay has been the attempt to place the actions of certain offenders in the political context of the period. They argue that many crimes were against authorities which were undermining traditional forms of social life. The important historiographical point of their studies was the need to place the actions of those defined as criminal in the context of how the actors viewed their situation, not in the context of how the authorities viewed them. Crime was a category used by one class to control a range of social practices inimical to those in power. These historians argued that it was important to suspend our own value judgements about crime and criminality and assess events from the different perspectives of those participating in them.

The new social histories of crime in England are an important historiographical context for Australian historians. Given the nature of a penal colony, it is not surprising that some of this overseas research has had an impact on some Australian historians. One young historian, Michael Sturma, has examined crime in the early convict period in New South Wales. From his examination, he developed some conclusions about the existing historiography of convict women.

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Read Michael Sturma, 'Eye of the beholder', reading 14. Now answer the following SAQ.

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SAQ 18

1. Why has the image of convict women been distorted, according to Sturma?

2. Why are the estimates of the number of prostitutes amongst the convict women exaggerated?

3. What were some of the factors that hindered marriage between convicts?

Sturma argues that the female convict debate should be placed in the field of the history of ideas. In arguing that the characteristics ascribed by contemporaries and historians to the women are the product of middle-class perceptions, he suggests that most historians have mistakenly taken the primary sources at face value. The sources are a product of middle-class values and mores and, thus, exaggerate the depravity of the convict women. He argues that the women were representatives of the English working class and perpetuated the mores of that class.

The work of Sturma represents a departure from the traditional emphases of historians. He moves away from a direct concern with the morality of the women and attempts to situate their behaviour in the context of their own class. Thus, he can argue that the debate has obscured the importance of the conflict between two class cultures in the generation of sources, and the subsequent interpretations of historians. In arguing this case, he suggests that convict women were not despised by their male counterparts and that the men were not averse to cohabitation and marriage relations with the women. He is critical of radical feminist historians who have depicted the early colony as a patriarchal society.

Sturma's argument concerning the relations between convict men and women is the weakest part of his case. Examination of his evidence shows that he is relying on a reinterpretation of the existing sources. Although he suggests that it is 'highly unlikely that working-class men... considered the women... sexually immoral', he has little evidence to support such a claim. The existence of cohabitation is no bar to the holding of such attitudes. In his emphasis on the rate of cohabitation, he ignores much of the evidence cited by Summers concerning the rape and sexual exploitation of convict women by both male settlers and convicts.

It is arguable that the thrust of Sturma's argument has certain similarities with the interpretation of Robinson. Both are intent on viewing the early colonial period as a place of greater harmony, prosperity and stability than was characteristic in many traditional histories of Australia. This new revisionist school of interpretation focusses on the early emergence of stable familial relations in the colony and is therefore critical of the view that the colony was a repressive and turbulent society built on the exploitation of convict labour. In their characterisation of the female convicts, Sturma and Robinson consider that the women were less open to sexual exploitation, were more likely to be situated in stable, cohabiting relationships and, thus, less likely to return to criminal activity.

Two important points need to be made about the development of the convict women debate in Australian history. Firstly, there has been an overwhelming concern with the character of the women. In retrospect, this concern can seem misplaced. It has led to the introduction of a range of moral judgements into historical analysis which has affected interpretation of the situation of women in the late eighteenth and early nineteenth centuries.

This leads us to the second point. Overall, the research has still not been published which gives a more thorough picture of the social history of convict women. At this stage, the majority of interpretations have attempted to depict the situation of the women in the colony as either exploited or as better off than their counterparts in Britain. In the latter case, the presence of cohabitation is seen in a positive light which may perpetuate the tradition of viewing the past from our own perspective. A closer examination of the social history of women - what they did, what happened to them and how they viewed their lot - is needed before the historiographical debate can develop more sophisticated interpretative conflicts.

# TUTORIAL TWO

Bring your study guide, readings and SAQ answers. In this tutorial, you can raise any problems you have come across with the course materials.

A number of general revision questions that might be discussed in the tutorial are as follows:

- What is historiography?
- What are the central themes that we analyse when looking at historiographical debates?
- What is the significance of context and tradition in the production of historiographical debates?

Even if you do not attend the tutorial, you will find it useful to make a few short notes on each of these questions.

In addition, some important elements of examination technique will be discussed. For example:

- the difference between specific and general questions
- what discussion questions involve.

You may find it useful to re-read the assessment information on p.2 of this study guide before coming to the tutorial.

## 6 CONCLUSION: HISTORIOGRAPHY

In this course, we have examined four historiographical debates concerned with the early colonial history of Australia. These debates have emerged because of conflicts between historians over the interpretation of particular aspects of colonial history. They are as follows:

- the reason for the settlement of Australia
- the character of the convicts
- the contribution of the convicts to the development of an Australian ethos
- the character of the female convicts.

The examination of these debates has raised important issues about the writing of history. They demonstrate that the depiction of the past is not a fixed story but a discipline in which there is continuing debate and argument. Hence, we can see not one dominant tradition in Australia but a series of competing interpretative traditions. None the less, these competing traditions operate within a more general paradigm (system or pattern) of historiography which emphasises the centrality of primary sources as the foundation upon which interpretations develop.

Our examination of the convict debates indicates the importance of the relationship between the historian and evidence. The historian poses questions and selects and interprets evidence accordingly. New questions can generate new evidence, or the reinterpretation of old evidence, each of which can produce radically different interpretative traditions. Each historian critically engages with both existing historiography and the primary sources in an attempt to provide more adequate conceptualisation of the past.

The convict history debates that we have studied, however, point to some of the major pitfalls in historical interpretation. The debates on the character of the male and female convicts, in particular, demonstrate the methodological problems in adopting an ahistorical approach to the past. Successive historians in these debates have assumed that the middle-class perspectives of the present and those of the primary sources are the 'true' basis for writing about the past. Such an approach may be adequate to writing the history of 'ideas about the convicts' but is inadequate for the task of writing a social history of the convict period. The dominant historiographical traditions have been obsessed with such value-laden concepts as 'morality', 'depravity' and 'character' at the expense of attempting to place the actions of the convicts in their social context. They have thus universalised a certain 'moral' system and used it as a yardstick to describe the past. Such a method fails to grasp the complex social and historical context in which the convicts and their masters lived. More research prompted by some social history questions may enable these debates to develop beyond the question of 'character', and provide a more sophisticated series of arguments about the history of the convicts and the penal colony.

These debates demonstrate some of the general grounds upon which historiography develops. Some of these grounds are methodological and this is apparent particularly in the debate about the settlement of Australia. Historians, generally, argue about the significance of evidence and it is here that many methodological disputes occur. For instance, some historians, A.G.L. Shaw among them, stress the importance of basing interpretation only on the documents that survive, while others, such as Geoffrey Blainey, argue that the documents do not necessarily reveal the complexity of factors affecting historical events. Thus, Blainey advocates the necessity of placing the documents in a wider context to discover some of the important factors that may not be explicit in the written evidence. In short, historians do not all agree on the correct methodological procedures for writing history or the appropriate contexts for the interpretation of evidence. It is not necessary for us to declare one method superior to another but it is important to recognise the consequences of choosing one method for the construction of an historical interpretation. Some historians have argued that restricting oneself to the written sources gives greater certainty. Other historians suggest that such limitations restrict the capacity of the historian to grapple with the more complex factors in historical interpretation.

A second issue raised by the study of these debates has been the argument that all historians bring assumptions and concepts to bear on the evidence. The documents do not speak for themselves; rather, historians select particular ones, read them in specific ways and make decisions about which is the appropriate context in which to situate them. Thus, it is possible for two or more historians to deal with the same evidence and come to very different conclusions. Political, conceptual and methodological differences are important foundations for disagreement among them.

These issues raise the central theme of this course, the study of historiography. The debates between historians on a specific problem form the historiography of that issue. When we study historiography, we are studying the history of what historians have written. Thus, historiography has been seen as the study of history and of the procedures used by historians. Hence, the basic conflicts in interpretation and methodology are investigated. In this process historiographical debates have to be situated in specific contexts; these can be of two sorts. Firstly, there is the context of a particular interpretative tradition, such as radical nationalism, which makes certain questions and concerns the paramount consideration for an historian. Hence, there are traditions of historical interpretation shared by historians and conflicts between the advocates of different traditions. Secondly, there is the wider historical, social and political context in which each historian writes. This context can influence the historian to ask particular questions or view the evidence from a new perspective such as the emergence of women's history in the 1970s.

These factors - methodology, tradition and context - intersect in the work of different historians to create debates and conflicts. They do not operate in a one-dimensional or single causal pattern. For instance, historians who write within the same social and political context do not all agree on a single interpretation, while historians within a single tradition, but writing in different contexts, say for example the 1930s and the 1950s, may come to similar conclusions. Alternatively, methodological or contextual differences between historians in the same tradition can lead to disputes. For example, Summers has a different explanation from Dixson for the oppression of convict women, while Wood and Clark share certain common assumptions about the writing of history but come to opposed conclusions about the character of the convicts.

When we study historiographical debates, we should be aware of the different factors which affect the construction of the debate. Here, we have outlined two main factors - tradition and context. History shares certain common issues and problems of interpretation with the social sciences and other disciplines. You will see the similarities between some of the problems raised in this course and those discussed in Courses HP02b, *Urban Australia*, HP04b, *Literary Studies*, and HP07a, *Penal Colony 1*. Each of these courses has raised important questions about how knowledge is produced and its limitations. The question of how knowledge is produced will also recur in some of the later courses.

# BIBLIOGRAPHY

This bibliography covers readings and other works cited in the study guide. It also includes some general works on Australian historiography which have been important in examining the debates studied in the course.

ATKINSON, A. (1976). Whigs and Tories and Botany Bay. *Royal Australian Historical Society Journal*, Vol.61, March, pp.289-310.

ATKINSON, A. (1979). Settlement from below. *Push from the Bush*, No.3, May, pp.64-69.

BLAINEY, G. (1966). *The Tyranny of Distance.* Melbourne: Sun Books.

BLAINEY, G. (1969). *The Rush That Never Ended.* Melbourne: Melbourne University Press. 2nd edn.

CLARK, M. (1956). The origins of the convicts transported to Eastern Australia, 1787-1852, Parts 1 & 2. *Historical Studies*, Vol.7, Nos.26 & 27, pp.121-135, 314-327.

CLARK, M. (1980). A letter to Tom Collins. *Occasional Writings and Speeches.* Sydney: Fontana, pp.91-93.

CLARK M. (1980). Rewriting Australian history. *Occasional Writings and Speeches.* Sydney: Fontana, pp.3-19.

CLARKE, M. (1975). *For the Term of His Natural Life.* Sydney: Angus & Robertson. Originally published 1876.

COGHLAN, T. (1969). *Labour and Industry in Australia, Vols.1-4.* South Melbourne: Macmillan. Originally published 1918.

CRAWFORD, R.M. (1975). *'A Bit of a Rebel': The Life and Work of George Arnold Wood.* Sydney: Sydney University Press.

DIXSON, M. (1976). *The Real Matilda: Women and Identity in Australia 1788 to 1975.* Ringwood: Penguin.

FIRESTONE, S. (1970). *The Dialectic of Sex.* New York: Marrow.

FLETCHER, B. (1976). *Colonial Australia before 1850.* Sydney: Nelson.

GREER, G. (1970). *The Female Eunuch.* London: MacGibbon & Kee.

GRIMSHAW, P. (1980). Women and the family in Australian history in Windschuttle, E. ed. *Women, Class and History: Feminist Perspectives on Australia 1788-1978.* Melbourne: Fontana, pp.37-52.

HAMMOND, J. and HAMMOND, B. (1913). *The Village Labourers, 1760-1832.* New York: Kelly. Originally published 1917.

HAMMOND, J. and HAMMOND, B. (1937). *The Town Labourer, 1760-1832.* London: Gollancz. Originally published 1919.

HAMMOND, J. and HAMMOND, B. (1979). *The Skilled Labourer, 1760-1832.* London: Longman. Originally published 1919.

HANCOCK, W.K. (1950). *The Wealth of Colonies.* Cambridge: Cambridge University Press.

HOBSON, J.A. (1938). *Imperialism: A Study.* London: G. Allen & Unwin. 3rd edn. Originally published 1902.

HOLT, S. (1982). *Manning Clark and Australian History 1915-1963.* St. Lucia: University of Queensland Press.

KINGSTON, B. (1975). *My Wife, My Daughter and Poor Mary Ann.* Melbourne: Nelson.

LENIN, V.I. (1973). *Imperialism.* Peking: Foreign Languages Press. Originally published 1916.

McQUEEN, H. (1968). Convicts and rebels. *Labour History,* No.15, November, pp.3-30.

McQUEEN, H. (1976). *A New Britannia: An Argument Concerning the Social Origins of Australian Radicalism and Nationalism.* Ringwood: Penguin. Originally published 1970.

MARTIN, G. (1978). *The Founding of Australia: The Argument about Australia's Origins.* Sydney: Hale & Iremonger.

MAYHEW, H. (1967). *London Labour and the London Poor, Vols.1-4.* London: Cass. Enlarged edn. Originally published 1861-62.

MILLETT, K. (1970). *Sexual Politics.* Garden City, N.Y.: Doubleday.

PASCOE, R. (1979). *The Manufacture of Australian History.* Melbourne: Oxford University Press.

ROBINSON, P. (1979). The first forty years in Mackinolty, J. and Radi, H. eds. *In Pursuit of Justice: Australian Women and the Law 1788-1979.* Sydney: Hale & Iremonger, pp.1-16.

ROBSON, L. (1963). The origin of the women convicts sent to Australia, 1787-1852. *Historical Studies,* Vol.11, No.41, pp.43-53.

ROBSON, L. (1965). *The Convict Settlers of Australia.* Carlton: Melbourne University Press.

BEST COPY

SHAW, A.G.L. (1978). *Convicts and the Colonies*. Melbourne: Melbourne University Press.

STURMA, M. (1978). Eye of the beholder: the stereotype of women convicts, 1788-1852. *Labour History*, No.34, May, pp.3-10.

SUMMERS, A. (1975). *Damned Whores and God's Police: The Colonization of Women in Australia*. Ringwood: Penguin.

SUMMERS, A. (1975). The problems of establishing a women's history in Mercer, J. ed. *The Other Half*. Ringwood: Penguin.

TURNER, I. (1982). Australian nationalism and Australian history in Sandercock, L. and Murray-Smith, S. eds. *Room For Manoeuvre.* Richmond: Drummond, pp.3-16.

WARD, R. (1966). *The Australian Legend*. Melbourne: Oxford University Press.

WHITE, R. (1981). *Inventing Australia*. Sydney: Allen and Unwin.

WOOD, G.A. (1922). Convicts. *Royal Australian Historical Society Journal and Proceedings*. Vol.8, Pt.4, pp.177-208.

## FURTHER READING

It is not necessary to read more than the course text and specified readings. However, if you wish to read more widely, you could consult the full versions of books from which excerpts have been selected for this course. You may also wish to look at some of the following, most of which are available in Griffith University Library.

CLARKE, M. (1975). *For the Term of His Natural Life*. Sydney: Angus & Robertson. Originally published 1876.

HIRST, J. (1983). *Convict Society and Its Enemies*. Sydney: Allen and Unwin.

KINGSTON, B. (1975). *My Wife, My Daughter and Poor Mary Ann*. Melbourne: Nelson.

LECHTE, J. (1980). *Politics and the Writing of Australian History*. Melbourne: Melbourne University Politics Monograph.

MACINTYRE, S. (1972). Radical history and bourgeois hegemony. *Intervention*, No.2, October.

OSBORNE, G. and MANDLE, W.F. (1982). *New History: Studying Australia Today*. Sydney: Allen and Unwin.

## ANSWERS TO SELF-ASSESSMENT QUESTIONS

### SAQ 1 (p.10)

1. Dallas argues that most historians have focussed on the legal and judicial aspects of the penal colony. This, he claims, is too simple: it ignores the naval and commercial realities that were the basis of settlement.

2. The major historical development, according to Dallas, was the growth of mercantilism. Trade and political power were inextricably linked and Britain was in competition with other countries for dominance in world trade. From this foundation, a number of other developments led to the settlement at Botany Bay. These included the emergence of the United States as a maritime power, the need to protect the interests of the East India Company and the importance of expanding trade in the Pacific.

3. Botany Bay was seen as an important base for restocking ships and guarding Britain's sea power in the Pacific to facilitate trade with China and South America, and develop the fur trade, whaling and sealing.

### SAQ 2 (p.14)

1. Australia seemed a surprising choice, according to Blainey, because of its distance from Britain, the cost of settling the eastern colonies and the existence of a number of sites, like the West Indies, Canada, Bermuda and some of other uninhabited islands closer to Britain, which were cheaper and more convenient.

2. Flax and timber were vital raw materials for the building of ships - the basis of Britain's sea power. Flax was essential for making sailcloth and timber was used for masts.

3. Supplies of flax and timber at Norfolk Island were more convenient if Britain was to expand its influence in the Pacific region. In addition, traditional supplies, particularly of flax from the Baltic regions, were vulnerable in times of political conflict when opposing powers may have cut off vital supplies. Alternative and less vulnerable, sources of supply were a safeguard.

4. Although Norfolk Island had the supplies of flax and timber, the island was too small and not fertile enough to support the convict population.

SAQ 3 (p.17)

1. Atkinson argues that most historians have focussed too closely on sources concerning officials and governors and tended to assume that their intentions were those of Britain as a whole. They have ignored the wider political conflicts which influenced the decision to settle Botany Bay. Hence, the sources traditionally used by historians are an unreliable guide to the reasons for the establishment of the colony.

2. Although there was some interest in flax and timber by some administrators, further inquiries led them to the conclusion that they were not sufficient to supply the East India Company adequately. Atkinson points to the contradictory schemes and the half-hearted suggestions about using Botany Bay as a trading base and argues that this means that the idea was never canvassed seriously.

3. The central concern of the Pitt government was not to foster trade and commercial interests but to protect the monopoly of the East India Company. The company was a powerful influence on Tory politicians who, in turn, had to protect it for their own political survival.

SAQ 4 (p.21)

1. Wood argues that the greatest English criminals were the aristocracy. They plundered the land and the people, and spent their 'ill-gained riches' in luxury and vice.

2. Wood argued that, of the smaller criminals, the worst were either caught and hung or not caught at all. Thus, those transported were the least harmful of the criminals in Britain.

3. Wood does not canvass any alternative opinions. He does not acknowledge that these two governors were representatives of one position in a wider debate about the convicts and reform and did not represent the majority or official views about the convicts.

SAQ 5 (p.27)

1. Wood defines three groups of convicts who were reformers - rebels against the rule of the aristocracy. These were the political and social reformers, the Dorsetshire labourers, and the Irish Catholics.

2. Although many convicts were not reformers, Wood argues that their crimes were of little consequence. Many of the crimes which resulted in transportation were to be punishable by summary jurisdiction only a few years later. They were trivial offences, often committed out of poverty and economic need. Immorality may have been

usual, according to Wood, but it was sanctioned by the government.

SAQ 6 (p.28)

1. Clark argues that the traditional approaches to the history of the convicts are too narrow - they concentrate on only a small number of convicts and not on the bulk of people transported to the colonies. Others are broad but align themselves with critics of the system which distorts the evidence they use for their interpretation.

2. These views were perpetuated because certain groups found them comforting - these groups included nationalists and the socially mobile who did not wish their status to be undermined by the hint that their convict ancestors were 'real criminals'.

SAQ 7 (p.33)

1. According to Clark, the First Fleet convicts are an unrepresentative sample of the convicts sent to Australia. The majority of convicts were transported after 1815. The First Fleet convicts were products of a social system that had passed by 1815. The social character of the convicts and their role in the colonial economy changed in the nineteenth century. Most were agricultural rioters and hence unrepresentative of the bulk of the convicts.

2. While both Wood and Clark admit that poverty was rife and an inducement to commit crime, the conclusions they draw are opposite. Wood sees the convicts as being innocent, forced to act out of necessity. Clark sees the convicts as permanent outcasts from society, totally irredeemable; they were not casual criminals but members of a professional criminal class and they were usually from the urban not rural working class.

3. The Irish convicts were less often professional thieves and more often rebels against the oppression of a foreign law. They suffered greater levels of grinding poverty and the British law was more severe in Ireland to repress social disorder. The Irish convicts were more likely to be social protestors, but were generally ineffective. They brought this culture of protest and anti-British sentiment to the colony.

SAQ 8 (p.34)

1. According to Robson, the majority of convicts were urban, working-class criminals. He argues that they were 'morally destitute'; they stole not through

immediate want but were part of a class of trained criminals, many of whom were mentally unbalanced.

2. The causes of criminality in Robson's view were early parental neglect, want of education, unemployment and mental imbalance.

SAQ 9 (p.38)

1. The convict ethos was extensive because of the high proportion of convicts in the colony. However, as the proportion of convicts began to decline, the ethos was perpetuated by currency lads, emancipists and some free emigrants. They absorbed many of the ideas and attitudes of the convicts. Another reason for its prevalence was the lack of a strong aristocracy in the colony and the smallness of the upper middle class, giving a greater weight to convict and lower-class manners.

2. The ballads suggest that the convicts did not suffer from moral penitence; they complained of their hard lot but did not question the basic assumptions upon which British society was built. None the less, they also brought with them a strong group solidarity and some resourcefulness.

SAQ 10 (p.45)

1. McQueen argues that the convicts lacked any feeling of class consciousness. They were individualist, opportunist and generally untrustworthy. Often they were treacherous to their fellow convicts and anxious to advance themselves socially and materially in any way possible.

2. McQueen argues that many convicts were so motivated by individual desires for advancement, by economic motives, that they were always prepared to betray their class origins to achieve their aims.

SAQ 11 (p.46)

1. Turner argues that each tradition emerged from a different historical context, one pre World War II and the other post World War II. The 'old left' valued the traditions of the bush workers and diggers. They admired the independence, egalitarianism and anti-authoritarianism of these men. They valued what they saw as a distinctive Australian culture. The 'new left' historians were inspired by overseas Marxist theory and believed that the Australian working class was not a revolutionary class. They saw Australian nationalism as being imperialist and saw defenders of radical

nationalism as the unwitting defenders of middle-class values.

2. The four critiques of radical nationalism in the 1960s and 1970s were from the 'new right', Manning Clark, feminism and the 'new left'.

3. Turner argues that radical nationalism more closely approximates the aspirations of the working class and therefore provides a better basis for the achievement of the egalitarian democratic demands of that class.

SAQ 12 (p.49)

1. According to Robson's interpretation of the statistics, the Scots women were the most abandoned: they had been more often convicted of a number of offences before being transported.

2. The most common offence of the female convicts, as for the males, was larceny.

3. The Irish convicts were more likely to be first offenders.

4. Robson concludes on the basis of statistical evidence and the views of a number of contemporary commentators that the female convicts were of generally bad character. Many were prostitutes and on the whole came from urban areas, and were members of a professional criminal class.

SAQ 13 (p.53)

1. Summers argues that despite the growth and development of a number of historical specialisations, all have been concerned with the history of men. They ignore or suppress the experience of women.

2. Some of the problems outlined by Summers concern the need to devise a methodology which encompasses all women. But at the same time she points to the heterogeneity of women and the difficulties of devising such a methodology. Most approaches would single out only one activity of women to the exclusion of their total historical experience. In writing women's history, Summers argues that women should not be merely fitted into the existing categories of men's history. New questions and methods have to be formulated.

SAQ 14 (p.54)

1. According to Summers, the prime function for female convicts was as objects of male sexual gratification. She argues that there was official recognition of the need to provide women for the use of soldiers, sailors and other male colonists, as well as the convicts, to ensure greater social stability.

2. Summers uses the term 'stereotype' to mean something similar to image. The prevailing male image of women in the early colony was that they were 'morally depraved', 'sexually abandoned', 'whores'. Although many women may not have fitted this image, the fact that prevailing attitudes depicted women in this fashion influenced the treatment of all women, convict and non-convict, in the colony. The stereotype shaped male attitudes to women, and such attitudes reinforced the stereotype on the women by influencing them to act in accordance with the stereotype.

3. The numerical disparity of the sexes was one important factor in perpetuating the stereotype. Women, as a scarce resource, were more likely to be seen as objects of gratification because few men could secure one in marriage. Female immigration, which meant the arrival of shiploads of single women in the colony, further ensured the perpetuation of the stereotype.

SAQ 15 (p.55)

1. For Dixson, the consequences of convictism for women was a sense of inferiority and a generally lower status in Australia than in other comparable Western countries. Women internalised male contempt and society's contempt for them which meant that they succumbed to male ideology more fully and were less likely to fight for their rights. Such factors influenced successive generations of Australian women.

2. Victimisation meant the internalisation of contempt and low self esteem. In this situation, women generally responded in two ways: either they became more weak, and psychologically victimised (intropunitive) or they reacted aggressively (extropunitive) and received harsher treatment at the hands of the law.

3. Women were the outcasts of convict society. They were sexually abused and forced into prostitution. As outcasts that were used as a means of defining male superiority; convict men could feel less oppressed because there was a group lower on the social scale.

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### SAQ 16 (p.60)

1. Grimshaw argues that the main studies in Australian women's history have either over-emphasised the issue of the family - women in the private sphere or, more often, stressed the public position of women - women in the public sphere. Each has been developed separately from the other and the basic failing has been a lack of synthesis.

2. Grimshaw argues that the Australian family was 'born modern'. Women were accorded a high status as mothers and nurturers in the private sphere. There were strong bonds between members of the family, it was a strongly child-oriented unit and the patriarchial subordination of the wife to husband was not a strong characteristic. In contrast to Dixson, she argues that the scarcity of women, the early strength of the nuclear family and the prevalence of motherhood and family ideology led to a higher status for women in colonial society than in other comparable Western societies.

### SAQ 17 (p.61)

1. Robinson argues that although the majority of convict women arrived as convicts, they did not remain so indefinitely. Most became members of the wider colonial society and it is their actions and status there that are crucial to understanding the position of women. Concentration on convict women ignores the situation of the majority of women in the colony.

2. Robinson argues that the majority of convict women had an undeserved reputation because most became useful members of society after serving their sentences. The rate of re-conviction for criminal offences was low after arrival in the colony and many were able to establish successful cohabiting and marriage relationships. They led lives of 'outward honesty' contrary to the general image of the convict women.

### SAQ 18 (p.65)

1. Sturma argues that the traditional depictions of the female convicts have been distorted because historians have accepted the opinions of middle-class commentators literally and, thus, perpetuated a particular stereotype of women. Another source of distortion is seeing the female convicts as distinct from working-class women in Britain. He argues that the responses of the female convicts to their situation indicated a common cultural link with the British working class.

2. Estimates of the number of prostitutes in the colony are exaggerated, according to Sturma, because contemporaries

generally viewed prostitution and cohabitation as one and the same thing. Hence, many convict and ex-convict women who lived in stable cohabiting relationships, but were not legally married, were condemned as prostitutes by officials. Prostitution was a term more often used in a general sense to describe any non-marital relations than in the specific sense of exchange of money for sexual services.

3. Sturma suggests that the marriage rate was low in the colony partly because a number of convicts had been married in Britain before transportation and could not contract other marriages in the colony. Hence, many were cohabiting and not legally married. Similarly, he argues that there was no general working-class compulsion to be married: cohabitation was a normal event and did not carry the stigma that it did in the middle-class society.